

AL-08-001-1931



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 22 2008

OFFICE OF
AIR AND RADIATION

The Honorable Jim Webb
United States Senate
Washington, D.C. 20510

Dear Senator Webb:

Thank you for your July 18, 2008, letter to the Environmental Protection Agency (EPA) Administrator Johnson, in support of a temporary waiver of the renewable fuel standard (RFS). I apologize for the delay, but wanted to respond to your concerns. The Governor of the State of Texas requested a waiver of fifty percent of the RFS volume requirement on April 25, 2008. Most of the volume requirement is achieved via corn-derived ethanol. The Governor was concerned that the RFS is resulting in increased corn prices, and thus increased costs for Texas cattle ranchers, who use corn for feed. You share that concern and are also concerned that the RFS is resulting in a substantial increase in food prices. Under the Clean Air Act, the Administrator may grant a waiver if implementation of the RFS would severely harm the economy or environment of a State, region, or the United States.

After careful consideration, and in consultation with the Secretaries of Agriculture and Energy, the Administrator concluded that RFS would not have a significant impact on feed and food prices, and thus the statutory requirement for a waiver had not been met. Enclosed is a copy of the decision with a detailed rationale.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3668.

Sincerely,

A handwritten signature in black ink, which appears to read "Robert J. Meyers", is written over a horizontal line.

Robert J. Meyers
Principal Deputy Assistant Administrator

Enclosure

EISA increases the 2008 and 2009 RFS renewable fuel mandates to 9.0 billion and 11.1 billion gallons. EISA also imposed additional requirements for the use of advanced biofuel and biomass-based diesel in 2009, included within the overall mandate for 11.1 billion gallons of renewable fuel in 2009.² EISA had the statutory goal of increasing the volume of renewable fuels that are required to be used in the transportation sector and Congress furthered that goal with the passage of EISA. In this context, implementation of EISA is aimed at reducing dependence on foreign sources of energy, increasing the domestic supply of energy, and diversifying the nation's energy portfolio by requiring the transition from petroleum-based fuels to bio-based alternatives in the transportation sector. In addition, as part of EISA, Congress is requiring EPA to perform a life-cycle analysis of emissions of greenhouse gases associated with the full lifecycle of renewable fuels, and is requiring a minimum level of greenhouse gas reduction to qualify for advanced biofuel, cellulosic biofuel and biomass-based diesel. This will be further discussed in EPA's upcoming second phase renewable fuel standard rulemaking (RFS2), which will implement the renewable fuels provisions of EISA.

III. EPA's Administrative Process

On April 25, 2008, the Governor of Texas submitted a request to the Administrator under section 211(o)(7) of the Act for a waiver of 50 percent of the RFS "mandate for the production of ethanol derived from grain." The request claims that the mandate is unnecessarily having a negative impact on the economy of Texas and driving up global food prices. In its request Texas specifically identified increased corn prices as having a negative effect on its livestock industry and that a waiver would also provide needed relief to consumers at the grocery store. This initial request did not include substantive supporting data or analyses.³

² A more detailed discussion of the requirements for different types of biofuels is included in Section V.

³ Texas subsequently submitted comments during the public comment period, including a recent briefing paper from the Agriculture and Food Policy Center at the Texas A&M University along with an economic analysis on the implications of a RFS waiver on the price of corn and impacts on the livestock industry as well as impacts on the petroleum markets and the broader economy. Texas also clarified that it was asking for a "50-percent reduction in the corn-derived, volumetric ethanol mandates." * * * effectively requesting that EPA, for the foreseeable future, return the RFS system to the status quo prior to enactment of EISA i.e., to the

On May 22, 2008, EPA published a notice requesting comment on the petition submitted by Texas as well as any matter that might be relevant to EPA's action on the petition, specifically including (but not limited to) information that would enable EPA to: (a) Evaluate whether compliance with the RFS is causing severe harm to the economy of the State of Texas; (b) evaluate whether the relief requested will remedy the harm; (c) determine to what extent, if any, a waiver approval would change demand for ethanol and affect corn or feed prices; and (d) determine the date on which a waiver should commence and end if it were granted.⁴ As stated in EPA's notice for comment, granting a waiver would reduce the national volume requirements under section 211(o)(2) of the Act, which would have effects in areas of the country other than Texas. Therefore, EPA invited comment on all issues relevant to whether and how the Administrator might exercise his discretion under this waiver provision of the Act, including but not limited to the impact of a waiver on other regions or parts of the economy, on the environment, on the goals of the renewable fuel program, on appropriate mechanisms to implement a waiver if a waiver were determined to be appropriate, and any other matters considered relevant.

EPA's public comment period closed on June 23, 2008. EPA received in excess of 15,000 comments during the comment period; the majority of the comments were short statements generally in support of the Texas request. EPA also received numerous comments from various trade organizations and businesses, Governors and other elected officials, and environmental organizations supporting or opposing the waiver, many of which included references to various studies and reports which are addressed below.

much more moderate trajectory that prevailed under the Energy Policy Act of 2005." Texas states its preference that this be accomplished through a waiver that corresponds to the 2006–2009 crop year (i.e., September 1, 2006 through August 31, 2009). The initial Texas waiver request of April 25, 2008 (Texas waiver request) can be found at EPA-HQ-OAR-2008-0380-0085. The Texas supplemental comments of June 23, 2008 (Texas supplemental comments) can be found at EPA-HQ-OAR-2008-0380-0526. In addition, Texas submitted additional comments after the close of the comment period, on August 6, 2008. These comments can be found at EPA-HQ-OAR-2008-0380. Given the date on which the additional comments were received, EPA's response to them can be found in a Memorandum to the Docket dated August 7, 2008.

⁴ 73 FR 29783.

IV. Key Interpretive Issues

As noted above, Section 211(o)(7) of the CAA provides, in part, that EPA "may waive the [mandated national RFS volume requirements] in whole or in part on petition by one or more States * * * (i) based on a determination by the Administrator * * * that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States, or (ii) based on a determination by the Administrator * * * that there is an inadequate domestic supply."

This is the first EPA action in response to a petition under this provision, and as a result EPA is addressing a number of questions regarding the scope of this authority. This section discusses EPA's position on the meaning of various key parts of this provision, including EPA's views on the interpretations advanced by Texas and other commenters. Because Texas argues that a waiver is justified under the claim that "implementation of the RFS program would severely harm the economy * * * of a State, a region or the United States," we have focused our review on this provision.

1. Implementation of the RFS Itself Must Severely Harm the Economy

The statute authorizes a waiver where "implementation of the requirement would severely harm the economy." Texas and several commenters argue that high corn prices are causing severe harm to the Texas and U.S. livestock industry as well as to low-income individuals faced with increasing food costs. They acknowledge that high corn prices are caused by a number of factors, but argue that the RFS program is one of the factors leading to these high prices, that it is a significant or material factor, and that this kind of impact from the RFS program is sufficient to justify a waiver of the RFS requirements.⁵ Texas recognizes that the waiver provision "speaks in terms of a singular causal link between the mandate and the harm (i.e., 'implementation of the requirement would severely harm')", but that "Congress could not have intended to predicate a waiver on such a link because such a situation is never found in the real world. In the context of an economy at the scale of a state, region or nation, outcomes are determined by multiple factors. Congress must have meant to pivot a waiver on whether the mandates would

⁵ See Texas supplemental comments, National Cattlemen's Beef Association at EPA-HQ-OAR-2008-0380-0416 at 1, and Texas Cattle Feeders Association at EPA-HQ-OAR-2008-0380 at 1.

severely harm an economy would appropriately implement Congress' intent for yearly growth in the use of renewable fuels, evidenced by the 2005 and 2007 mandates for such growth. In addition, it would limit waivers to circumstances where a waiver would be expected to provide effective relief from harm. If there is generally high confidence that implementation of the mandate would cause harm, then a waiver should provide effective relief from that harm. However in situations where there is not such a high degree of confidence, a waiver might disrupt the expected growth in use of renewable fuels but there would be no clear expectation that a waiver would provide a benefit by reducing any harm. As discussed below, EPA does not need to interpret this provision in any greater detail for purposes of acting on Texas' petition, as the circumstances in this case clearly do not demonstrate the required degree of confidence that severe harm would occur.

Support for EPA's interpretation of this waiver provision is found in an analogous approach taken by EPA in applying former section 211(k)(2)(B), the provision for waiver of the oxygen content requirement for RFG. In that provision, Congress provided that EPA "may" waive the oxygen content requirement upon a determination that compliance with this requirement "would" prevent or interfere with attainment of a NAAQS. EPA interpreted this as calling for the waiver applicant to "clearly demonstrate" interference before a waiver would be granted. This interpretation was upheld in *Davis v. EPA*, 348 F.3d 772, 779–780 (9th Cir. 2003).

3. "Severely Harm" Indicates That Congress Set a High Threshold for Grant of a Waiver

While the statute does not define the term "severely harm," the straightforward meaning of this phrase indicates that Congress set a high threshold for issuance of a waiver. This is also indicated by the difference between the criteria for a waiver under section 211(o)(7)(A) and the criteria for a waiver during the first year of the RFS program. In section 211(o)(8)(A) Congress provided for a waiver based on an assessment of whether implementation of the RFS in 2006 would result in "significant adverse impacts" on consumers. A waiver under section 211(o)(7)(A), however, requires that implementation "severely harm" the economy, which is clearly a much higher threshold than "significant adverse impacts." It is also instructive to consider the use of the term "severe"

in CAA section 181(a). Ozone nonattainment areas are classified according to their degree of impairment, along a continuum of marginal, moderate, serious, severe or extreme ozone nonattainment areas. Thus, in section 181, "severe" indicates a level of harm that is greater than marginal, moderate, or serious, though less than extreme. We believe that the term "severe" should be similarly interpreted for purposes of section 211(o)(7)(A), as indicating a point that is quite far along a continuum of harm, though short of extreme. EPA does not need to interpret this provision in any greater detail for purposes of acting on Texas' petition, as the circumstances in this case clearly do not demonstrate the kind of harm that would be characterized as severe.

4. Harm to the Economy

EPA must also consider the meaning of the term "economy" in section 211(o)(7)(A)(2). Texas has argued that the term should be interpreted such that a showing of severe harm to one sector of the economy, e.g. the livestock industry, is sufficient under the statute. Others argue that there must be a showing of severe harm to the entire economy of a State, region or the United States, including all sectors.¹² EPA believes that it would be unreasonable to base a waiver determination solely on consideration of impacts of the RFS program to one sector of an economy, without also considering the impacts of the RFS program on other sectors of the economy or on other kinds of impact. It is possible that one sector of the economy could be severely harmed, and another greatly benefited from the RFS program; or the sector that is harmed may make up a quite small part of the overall economy. Based on the waiver request received and, where appropriate, public comments, EPA should responsibly review and analyze the economic information that is reasonably available regarding the full impacts of the RFS program and a possible waiver, including detrimental and beneficial impacts, before determining that a waiver of the program is warranted.¹³

The statute provides that EPA "may" waive the RFS volume requirement after finding that implementation of the RFS program would severely harm the economy. Therefore, a broad consideration of economic and other impacts could be undertaken whether or

not EPA adopted Texas' more limited interpretation of the term "economy." For example, if EPA rejected Texas' interpretation, EPA would determine whether RFS implementation would severely harm the overall economy of a State, region, or the U.S. However, if EPA adopted Texas' interpretation, and then found severe harm to a sector of the economy, EPA would still evaluate the overall impacts on the economy and other factors before exercising its discretion under the "may" clause to grant or deny the waiver request. EPA does not need to resolve this issue of interpretation in this specific waiver decision. As discussed below the circumstances here do not warrant a waiver under either interpretation.

5. EPA Has Broad Discretion in Determining Whether To Grant a Waiver Even If Implementation Would Severely Harm the Economy

As noted above, Congress stated that EPA "may" grant a waiver if certain criteria are met, and the term "may" typically denotes discretionary action. Where Congress intends non-discretionary action, it typically employs a term like "shall." Thus, EPA believes Congress intentionally gave EPA discretion in determining whether to grant or deny a waiver request, even in instances where EPA finds that implementation of the program would severely harm the economy or environment of a State, region or the United States, or where there is inadequate domestic supply. As noted above, this interpretation allows EPA to look broadly at all of the impacts of implementation of the program, and all of the impacts of a waiver, and does not limit EPA to looking only at impacts to the economy, a sector of the economy, the environment, or domestic supply. The relief requested by a waiver applicant will always, under this provision, be national in character, hence we expect that EPA will always want to examine the nationwide effects of the requested relief, and give appropriate weight to the range of anticipated effects. This interpretation allows EPA to weigh all of the impacts before deciding to grant or deny a waiver of the statutory requirements designed to require the expanded use of renewable fuels.

V. Technical Analysis of RFS Mandate

In this section, we first examine the likelihood that implementation of the RFS will impact the amount of ethanol produced and consumed over the 2008/2009 corn marketing year (September 1, 2008 through August 31, 2009), and thereby impact factors such as the price

¹² Commenters include the Renewable Fuels Association (EPA-HQ-OAR-2008-0380-0479 at 1) and American Coalition for Ethanol (EPA-HQ-OAR-2008-0380-0484 at 1-2).

¹³ This is of course limited by the 90 day time frame called for in the waiver provision.

use, corn prices, ethanol prices, or fuel prices. We refer to that model result as a 76 percent probability that the RFS will not be "binding" in the 2008/2009 marketing year. Conversely, in 24 percent of the simulated ISU model runs the RFS would be binding. In this case, binding means that in 24 percent of the random draws of potential corn production, crude oil prices, and corn demand, the resulting market demand for ethanol would be below the RFS mandate and, therefore, the RFS would require greater use of ethanol than the market would otherwise demand. The binding scenarios are generally those in which crude oil prices and corn production are relatively low. In those cases, the RFS would have an impact on ethanol use and the food and fuel markets in the United States.

For the primary analysis, the ISU model assumes corn ethanol would account for ten billion gallons of the RFS mandate during the 2008/2009 corn crop year. Because the corn crop year is split over two RFS compliance years, the 10 billion gallons is based on the fraction of the corn crop year that would occur in the 2008 compliance year (one-third) and the 2009 compliance year (two-thirds). EISA requires 9 billion gallons of renewable fuels in 2008 and 11.1 billion gallons in 2009; however, 600 million gallons of the 2009 volume must be advanced biofuels (including 500 million gallons of biomass-based biofuels). This advanced biofuel volume is not included in the calculation of the 2008/2009 marketing year mandate, since the ISU model does not include cellulosic or biodiesel renewable fuels.²³ As a sensitivity analysis, ISU researchers also evaluated different scenarios in which some of the 2008/2009 mandate was also met with additional biodiesel production and renewable identification number (RIN) credits earned from excess ethanol production in the 2007 and 2008 compliance years.²⁴ Both of these changes essentially make the RFS mandate less binding. We also conducted a sensitivity analysis that used a distribution curve for crude oil

prices based on a mean crude oil price of \$146/barrel. For that model run, the probability that the mandate would be binding decreased to 12%. Clearly, this assumption makes a difference in the modeling results. We believe the \$125/barrel mean crude oil price scenario incorporates the best information available at this time, but we recognize that conditions may change in the future. For purposes of simplicity, only the results of the primary analysis using \$125/barrel mean crude oil ISU scenario are presented in this document. However, the results from the full range of scenarios are included in the docket.²⁵

We believe the results provided by the ISU model are more robust than Elam's and TAMU's estimates for a number of reasons. Many of the assumptions used by Elam's model do not appear to accurately reflect market forces. According to Elam's March paper,²⁶ U.S. gasoline and diesel prices impact the prices of corn and soybeans, but do not influence the demand for biofuels. In other words, the agricultural sector portion of the model does not appear to be directly linked to a fuel market module. Since higher crude oil prices are one of the major reasons for the increase in biofuel production, we believe this assumption is a major short coming of the model. Furthermore, the model used by Elam appears to value ethanol on an energy equivalent basis.²⁷ We believe that ethanol will continue to be priced on a volumetric basis as long as most of the ethanol is being blended as E10.

In his June paper, Elam estimated the impact of waiving the RFS under two different scenarios: One based on the June WASDE projections and one based on a "severe weather" scenario with a lower corn crop. Under both scenarios, Elam predicts ethanol production will decrease by 2.1 billion gallons with a 50% waiver of the mandate. However, under both scenarios Elam estimates that ethanol production will exceed the mandated levels when the mandate is in place. We do not find this analysis plausible, since waiving the mandate should have little to no effect on ethanol production if the projected levels of ethanol demand exceed the mandate. In addition, we would not expect the same change in ethanol production to occur as a result of the waiver when corn prices are \$8.00/bushel and when they are \$5.80/bushel. When corn costs

\$8.00/bushel, we would expect more ethanol producers would not be able to cover their operating costs and would choose to reduce production. Therefore there would be a larger potential change in ethanol production at \$8.00/bushel than at \$5.80/bushel, which in turn would lead to a larger impact from waiving the mandate. Finally, we believe the severe weather scenario presented by Elam overstates the impact of the recent floods in the Midwest. This scenario assumes a significant reduction in corn acres harvested and corn yields relative to the WASDE estimates. Under this severe weather scenario, Elam's projected corn crop would be 10.85 billion bushels, compared to the higher July WASDE estimate that 11.7 billion bushels will be produced in 2008/2009.

Similar to the ISU model, the TAMU model is a hybrid stochastic simulation model that estimates the probabilistic price of corn and production levels of ethanol with and without various government biofuel policies over the next few years. However, we believe some of the inputs used in the model are not as current as the inputs used by the ISU model. In addition, the TAMU model likely overstates the probability that the mandate will be binding for two reasons. First, the projected corn prices are significantly higher than either the June or July WASDE reports. Whereas the July WASDE report (which assumes the mandate is still in place) predicts corn prices will be between \$5.50–\$6.50/bushel, the TAMU model predicts that corn prices with the mandate in place will be between \$6.70–\$7.96/bushel depending on the size of the corn crop. If the TAMU model was re-run with the July WASDE data, we believe the results would be closer to the estimates provided by the ISU model. Second, we believe that the TAMU model undervalues ethanol, since it assumes ethanol must compete with gasoline on an energy equivalent basis for all volumes over the quantity projected to be used to meet reformulated gasoline (RFG) requirements (approximately 3 billion gallons). As discussed in more detail in the following section, ethanol continues to be priced in the market at a premium over its energy content since it is primarily used as a gasoline extender. We expect this trend to continue until significant quantities of ethanol can no longer be blended as E10 and must be sold as E85. If the TAMU valued ethanol on a volumetric basis, we would expect the model would predict higher production levels of ethanol, both with and without the waiver.

TAMU provides information for three different scenarios: a "mean corn crop",

²³ Although Iowa State analyzed the impact of waiving 100% of the mandate, the model predicted no difference between waiving 100% of the mandate and 50% of the mandate, as the amount of ethanol demanded under all the scenarios without the mandate was more than five billion gallons of ethanol (50% of the mandate).

²⁴ RINs are generated by producers of renewable fuels, and are used by refiners and importers to show compliance with the RFS. Excess RINs may be used as credits for the year following their generation, e.g., 2007 RINs may be used to show compliance with the 2008 RFS standard, and 2008 RINs may be used to show compliance with the 2009 RFS standard.

²⁵ See Memorandum to Docket entitled, "Iowa State University Modeling Results."

²⁶ EPA-HQ-OAR-2008-0380-057.

²⁷ The lack of model documentation submitted to the docket with regard to the model limited our ability to fully compare the results.

2. Severity of Impact**(a) Corn Price Impacts**

When evaluating the economic impacts of waiving the mandate, our analysis centered on four major areas: U.S. corn prices, food prices, feed prices, and fuel prices. While there may be other areas of potential impact, we focused on these areas because they are expected to have the largest potential economic impacts in the U.S. Given the limited time available for this analysis, we have not looked at the interaction of these impacts in an integrated modeling system. However, we believe that looking at these indicators individually provide a useful framework for

determining the potential severity of the impact of the RFS mandate.

As described in the previous section, we believe that implementation of the RFS would not have a significant impact on expected ethanol production in 2008/2009, with the most likely result being no impact on ethanol production. We have analyzed the impacts of waiving the mandate under a wide variety of scenarios, ranging from worst case scenarios to the more likely situations. Based on the ISU modeling results, the average expected impact of waiving the mandate over all the potential outcomes, both those binding and those non-binding, would be a decrease in the price of corn by \$0.07/bushel. In the limited subset of potential

outcomes in which the mandate is binding (24% of the results), waiving the mandate would result in an average expected decrease in the price of corn of \$0.30/bushel.

However small the probability, we also recognize it is possible that all the market outcomes could converge to result in a worst case scenario, therefore, we also provide this example to help bracket the range of potential outcomes. The "Worst Case" example demonstrates the largest potential change in corn price predicted by the ISU model as a result of the waiver, which is a decrease in corn prices of \$1.38/bushel. Table 2 presents the three ISU scenarios.

TABLE 2—RANGE OF ESTIMATED CORN PRICES AND PRODUCTION LEVELS

	Iowa state mean estimate	Iowa state when mandate binds	Iowa state "worst case" example
Mean Corn Prices with Mandate (\$/bushel)	\$6.00	\$6.40	\$6.85
Mean Corn Prices with Waiver (\$/bushel)	\$5.93	\$6.10	\$5.47
Change in Corn Prices with Waiver (\$/bushel)	-\$0.07	-\$0.30	-\$1.38
Mean Corn Production (Billion bushels)	11.70	11.22	10.57
Percentage of Times Mandate is Binding	24%	100%	N/A

(b) Food Price Impacts

In consultation with USDA, EPA estimated how the changes in corn prices influence U.S. food prices. The results of the modeled corn price impacts discussed above appear to be quite modest for both the mean estimate and the subset of scenarios in which the mandate is binding. A \$0.07/bushel decrease in corn prices would result in a 0.07% decrease in Food CPI³⁰ and a 0.03% decrease in All Item CPI.³⁰ A \$0.30/bushel decrease in corn prices would result in a 0.28% change in Food CPI and a 0.04% change in All Item CPI.

For the average household, a \$0.07/bushel decrease in corn prices would result in a reduction of household expenditures on food equal to \$4.01 in 2008/2009, while a \$0.30/bushel decrease in corn prices would result in a savings of \$17.13. In the scenario with the largest change in corn price, a \$1.38/bushel decrease in corn prices would decrease the Food CPI by 1.29% and All Item CPI by 0.19%. The average household would in turn save \$78.57 in 2008/2009 on food expenditures.

Since people in the lowest income groups are more sensitive to changes in food prices, we also analyzed the impact

of changes in food expenditures as a percentage of total consumer expenditures and as a percentage of income. The changes in food expenditures are relatively small compared to total consumer expenditures for both average and low income households.³¹ When comparing the changes in food expenditures relative to income, the impact on low income households is larger than the impact on average households. Additional details on the methodology used to calculate the CPI and household expenditures are included in the docket.³²

TABLE 3—IMPACTS ON FOOD PRICES, CPI INDICATORS, AND HOUSEHOLD EXPENDITURES

	Units	Iowa state mean estimate	Iowa state mandate binds	Iowa state worse case
Change in Corn Price with Waiver	\$/bushel	-\$0.07	-\$0.30	-\$1.38
Change in Food CPI with Waiver	percent	-0.07%	-0.28%	-1.29%
Change in All Item CPI with Waiver	percent	-0.01%	-0.04%	-0.19%
Change in Annual Food Expenditures for Average Households with Waiver.	\$	-\$4.01	-\$17.13	-\$78.57
Change in Annual Food Expenditures for Lowest Quintile Households with Waiver.	\$	-\$2.09	-\$8.95	-\$41.05
Change in Food Expenditures as a Percentage of Consumer Expenditures for Average Households with Waiver.	percent	-0.01%	-0.04%	-0.16%

³⁰ The Food CPI as measured by the Bureau of Labor Statistics (BLS) consists of two components—the "CPI for food at home" and the "CPI for food away from home" with the "CPI for food away from home" having a weight of 0.45 and the "CPI for food at home" having a weight of 0.55.

³⁰ The Food CPI has a weight of 0.14 in the All Item CPI. This implies that for every 1 percent increase in the Food CPI the All Item CPI would increase by 0.14 percent.

³¹ The lowest quintile (20%) of households, as described in the Bureau of Labor Statistics' 2006

Consumer Expenditure Survey, has an average income after taxes of \$9,969. The average annual household income after taxes for all households is \$58,101.

³² See Memorandum to Docket entitled, "USDA Food CPI and Feed Cost Methodology".

TABLE 5—TOTAL FEED COSTS AND ESTIMATED DECREASE WITH RFS WAIVER FOR CATTLE, POULTRY, PIGS, AND DAIRY PRODUCTION—Continued

	US	Texas
Feed cost without waiver, \$ million	7,571.6	586.7
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	88.3	6.8
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	343.1	26.6
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	1,525.4	118.2
Pork:		
Feed cost without waiver, \$ million	10,874.6	134.1
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	126.9	1.6
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	492.8	6.1
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	2,190.8	27.0
Dairy:		
Feed cost without waiver, \$ million	37,028.8	1,307.2
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	432.0	15.3
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	1,677.9	59.2
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	7,459.8	293.3
Total Feed Costs (cattle, poultry, pigs, dairy):		
Without waiver, \$ million	66,241.4	4,559.2
Decrease in Feed Costs, \$ million (\$0.07/bushel corn price change scenario)	772.8	53.2
Decrease in Feed Costs, \$ million (\$0.30/bushel corn price change scenario)	3,001.6	206.6
Decrease in Feed Costs, \$ million (\$1.38/bushel corn price change scenario)	13,345.0	918.5

To produce a pound of poultry live weight, about 1.5 pounds of feed required.

The State of Texas did not attempt to quantify the impact of waiving the RFS on the livestock industry, although they did submit reports by the Agricultural and Food Policy Center (AFPC), the Texas Department of Agriculture, and McVean Trading & Investments (a company that specializes in monitoring the health of the livestock industry), which conclude that the livestock industries, including poultry, are experiencing financial losses due to increases in the cost of production due to higher corn prices.

While most of these impacts are outside the scope of our analysis since they do not focus on the impacts directly related to the RFS, we have attempted to compare our methodology with the methodology used by Texas. The Texas Department of Agriculture report cites the March study by Elam in which he estimates that the increase in biofuels will result in an increase in cost to the Texas livestock and poultry industries of approximately \$2.4 billion in calendar year 2008. This impact was based on an estimated increase of \$2.04/bushel in corn prices due to the increase in biofuels policies as a whole. Although the increase in corn price cited by Elam is higher than the modeling results by ISU and TAMU

discussed in the previous section, the methodology for estimating the impact on feed costs employed by Elam appears to be generally consistent with our analysis. When the cost increases for cattle, poultry, pork, and dairy production are separated out, Elam estimates a \$1.3 billion dollar increase in feed costs in 2008. If Elam had used a change in corn price that was approximately two thirds of his \$2.04/bushel estimate (\$1.36/bushel), his methodology would have estimated an increase in feed costs in Texas of approximately \$867 million dollars. This figure is similar to our estimate of a \$919 million increase in feed costs in Texas, which corresponds to our worst case scenario of a \$1.38/bushel increase in corn prices.

As described in the previous sections, the corn price increase attributable to the RFS is likely to be much smaller. Texas's own "95% of mean corn crop" scenario predicts a change of only \$0.73/bushel as a result of the RFS waiver, which would make the impact on the livestock industry even less than the \$918 million calculated here.

(d) Fuel Price Impacts

The ISU model also predicts the change in U.S. ethanol, gasoline, and

blended fuel prices based on changes in ethanol production volumes. The ISU model assumes that both the demand and supply of gasoline are relatively inelastic. Therefore, reducing the ethanol production levels will increase gasoline demand and increase gasoline prices.³⁷ Although the decrease in ethanol demand is associated with a decrease in ethanol prices, the total blended fuel price is dominated by the change in gasoline price since it is a much larger portion of the fuel pool. The ISU model predicts that the most likely outcome is that waiving the RFS mandate would have no impact on fuel prices. The ISU modeling predicts that the average impact across all modeled scenarios is that waiving the RFS mandate would increase blended fuel prices by 3/10 of one cent. When looking at the smaller subset of instances in which the mandate is binding, the average impact of granting the waiver would be to increase blended fuel prices by \$0.01/gallon. Even in the case where ethanol production volumes change the most, the impact on blended fuel prices would be no more than an increase of \$0.03/gallon.

³⁷ In the subset of scenarios in which the mandate is binding, when the mandate is in place it artificially increases demand for ethanol (and artificially decreases the demand for gasoline). Therefore, removing the mandate in those scenarios allows for lower demand of ethanol which results

in an increase in demand for gasoline. Over the one year period for which this model addresses fuel price impacts, the model assumes gasoline production is relatively inelastic and import supplies are fixed. As a result, the increase in gasoline demand is associated with a slight increase

in blended fuel prices. In a longer time frame, if the supply of gasoline were more elastic, it is possible that we could get a different impact on blended fuel prices as a result of the waiver.

granting the waiver would result in an increase in gasoline demand by over three billion gallons. Furthermore, Urbanchuk estimates the percent change in price relative to a percent change in the quantity of U.S. gasoline supply. We believe this assumption overstates the price impact, because it would be more appropriate to estimate the price change relative to a percent change in the world gasoline supply.

Verleger and Chodorow use a very different analytical approach to predict that an increase in U.S. gasoline production would lead to lower U.S. gasoline prices. Their paper assumes that an RFS waiver would reduce demand for ethanol by between 4.5 and 5.55 billion gallons in 2008 and 2009 respectively, and that the increased demand for motor fuel would be made up entirely by gasoline on an energy equivalent basis. This would increase crude oil demand so that gasoline would replace ethanol. The increased crude refining would produce more diesel fuel, which would reduce diesel fuel prices by approximately \$0.70/gallon (15 percent). In turn, Verleger and Chodorow assert that decreased diesel prices would cause prices for light sweet crude to decline by approximately \$16/barrel (12 percent), and that the decrease in crude prices would lower finished motor gasoline prices by approximately \$0.15/gallon (4 percent).

This analysis depends on several assumptions that we believe are likely to be incorrect (or at least overstate the potential impact of granting the waiver). Verleger and Chodorow assume that ethanol is priced in the market based on its energy content in comparison to gasoline; therefore on an energy equivalent basis ethanol is currently more expensive than gasoline. In reality, ethanol has historically been priced based on volume displacement of gasoline and will be until it has to be sold as E85 in large quantities and E10 has saturated the U.S. gasoline market. At that time, any additional ethanol will be sold as an E85 blend. Today, we are not at the point of E10 saturation, therefore, on a volumetric basis, ethanol is still cheaper than gasoline. We believe that the market will continue to demand a higher quantity of ethanol than the mandate under most future market conditions. Thus, even if the Verleger and Chodorow paper were directionally correct, the magnitude of the impact would be significantly overstated.

The second major assumption in the Verleger and Chodorow paper that we believe is not accurate is the proposition that current high crude oil prices are

caused by high diesel fuel prices. While there appears to be evidence that tight distillate markets are contributing to higher world crude oil demand and crude oil prices,⁴¹ crude oil prices are a function of supply and demand for crude oil and specifically the demand of all the products made from it, not just diesel fuel. Without this questionable assumption by Verleger and Chodorow, their projected increase in demand for crude oil would likely increase crude oil prices and prices for both gasoline and diesel fuel, thus reversing the conclusion of their study that increasing diesel production would decrease crude oil prices.

Empirically, diesel prices have risen along with diesel consumption over the last few years. Verleger and Chodorow attempt to quantify this effect through the use of regression analysis over a limited time period for one market. Such a regression cannot determine the causation, and its use may have numerous other technical problems. We therefore believe this relationship is unsupported.

3. Summary of Technical Analysis

For the 2008/2009 corn crop marketing year, our analysis shows that the likelihood that the RFS will determine ethanol demand in the U.S. is low, and that the most likely result is that the RFS would have no impact on ethanol demand. Furthermore, our analysis shows that potential changes in U.S. corn and fuel prices resulting from a waiver would have at most a limited impact on the food, feed, and fuel markets.

VI. Other Issues

EPA received comment on several areas of concern, in addition to the economic impact of the RFS mandate. Comments were received on the general impacts of biofuels, the environmental impacts of RFS, the effect that granting or denying the waiver request would have on commodity markets, and the impact of granting a waiver on the future of ethanol production in the U.S. Although this section summarizes and provides general responses to the comments concerning these issues, EPA notes that several of the issues are either not relevant to EPA's consideration of the current waiver request or do not provide a full record by which to analyze the issue.

⁴¹ <http://www.ica.org/w/bookshop/add.aspx?id=402>.

1. General Impacts of Recent Increase in Biofuels

Many commenters focused on the recent increase in corn prices from approximately \$2.00 in 2005 to almost \$8.00 this spring. Most of the commenters stated that biofuels have contributed to the recent increase in U.S. corn prices, although estimates of the magnitude of this impact varied. Commenters referencing Dr. Joe Glauber, Chief Economist at the USDA, in testimony presented before the Committee on Energy and Natural Resources in the U.S. Senate, noted estimates that increased ethanol production in the U.S. has raised U.S. corn prices by approximately \$0.24/bushel in the 2006/2007 time frame (9 percent) and approximately \$0.65/bushel in the 2007/2008 (18 percent) timeframe. Alternatively, in a report prepared for Kraft Foods Global Inc., Dr. Keith Collins suggests that the increase in U.S. biofuels since 2006/7 has increased U.S. corn prices by a larger amount, with a range of 29% to 60% (EPA-HQ-OAR-2008-0380-0514.2). While EPA recognizes that there has been a large increase in corn prices that has coincided with the recent expansion of biofuels, the individual contribution of the RFS mandate has been much smaller. A number of factors have contributed to the recent increase in corn prices, such as foreign demand for coarse grains, sustained drought in major international crop producing regions, and historically high energy prices.

In a similar vein, comments and supporting analyses generally agreed that the recent increase in U.S. biofuels production has increased food prices in the U.S., although the magnitude of this impact varied throughout the comments. Collins suggested that if biofuels accounted for 60% of the increase in corn and soybean prices between the 2006/2007 marketing year and expected 2008/2009 levels, food ingredient costs would be approximately \$20.5 billion higher. In turn, ingredient costs will be passed on in higher meat and food prices to U.S. consumers. In total, Collins predicts that increased biofuels will increase U.S. food prices by approximately 1.8%. The 1.8% increase is a 23–25% increase in the normal rate of food price inflation in a two to three year period. Alternatively, Purdue University Extension suggests that for the year 2007, the increased use of biofuels have increase food costs by approximately \$15 billion compared to the 2005 crop year.⁴² At the low end of

⁴² EPA-HQ-OAR-2008-0380-0574.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 24 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Jim Webb
United States Senator
222 Central Park Avenue, Suite 120
Virginia Beach, Virginia 23462

REF: Germano #602190

Dear Senator Webb:

Thank you for your letter of October 1, 2009, to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, *Exempt*, regarding issues related to imported drywall. The U.S. Consumer Product Safety Commission (CPSC) is the lead federal agency on all matters pertaining to the drywall investigation. EPA will forward your constituent's letter to CPSC.

EPA has contributed scientific expertise to help decipher the mechanisms associated with the drywall that are causing indoor air issues. In support of CPSC, the EPA has tested drywall samples and has conducted air monitoring in six homes in Florida and Louisiana. This effort was an attempt to identify the causative agent(s) of concern. The data from our testing has been reviewed by a federal and state technical team led by CPSC. The Centers for Disease Control and Prevention (CDC), the Department of Housing and Urban Development (HUD), EPA, the Florida Department of Health (FLDOH), the Louisiana Department of Health and Hospitals (LADHH), and the Virginia Department of Health (VADOH) are represented on this technical team. The testing results were released on October 29, 2009, and these results can be accessed at <http://www.drywallresponse.gov>.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,

A handwritten signature in black ink, appearing to read "Mathy Stanislaus", is written over a horizontal line.

Mathy Stanislaus
Assistant Administrator

JIM WEBB
VIRGINIA

09-001-5459

WASHINGTON OFFICE:
WASHINGTON, DC 20510
(202) 224-4024

COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
FOREIGN RELATIONS
COMMITTEE ON
VETERANS' AFFAIRS
JOINT ECONOMIC COMMITTEE

United States Senate

WASHINGTON, DC 20510-4605

October 1, 2009

Mr. Stephanie N. Daigle
Executive Director
Environmental Protection Agency
1225 New York Avenue, Suite 1100
Washington, DC 20005

Dear Mr. Daigle:

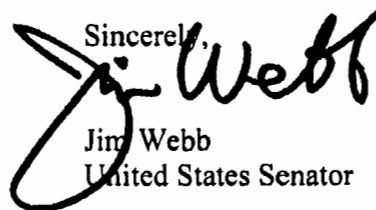
Enclosed is correspondence from my constituent in reference to a matter involving your agency.

Please give this letter every appropriate consideration and review my constituent's case in accordance with all rules, regulations and laws applicable to your agency. Your immediate attention and expeditious assistance would be greatly appreciated.

Please reply in duplicate to my 222 Central Park Ave. # 120, Va. Beach, Va. 23462, Attn: Jeanne Evans, Regional Representative (757-518-1678 or Jeanne_Evans@webb.senate.gov) office and return the enclosure. In your reply, please reference Germano # 602190.

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,

Jim Webb
United States Senator

JW: je
Enclosure

OFFICE OF SENATOR JIM WEBB
Information/Privacy Release/Constituent Service Inquiry Form

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

I would like help resolving an issue with the following federal agency:

Please describe the situation for which you are requesting assistance with any supporting documentation:

Chinese drywall

Use back for additional information and details

I hereby request the assistance of the Office of Senator Jim Webb to resolve the matter described above. I authorize Senator Webb staff to receive any information that they may need to provide this assistance.

The information I have provided to the Office of Senator Jim Webb is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Webb's office is in no way an attempt to evade or violate any federal, state, or local law.

SIGNED: [Signature] DATE: 9.22.09
Name: (please print) exempt b Date of Birth: exempt b
Address: exempt b
City: NORFOLK State: VA Zip: 23518
Home #: exempt b Work #: exempt b Cell #: exempt b
E-mail Address: exempt b
Case Number, SSN or Other Identifying Information: exempt b

Please Return To
Office of Senator Jim Webb
222 Central Park Ave.
Suite 120
Virginia Beach, VA 23462
757-518-1674 (p) 757-518-1679 (fax)

While I am happy to work on your behalf, as a matter of Congressional courtesy, my general policy is to avoid working on constituent cases currently being handled by other Senators or House members from Virginia. Having multiple offices working on the same matter may cause delays in the resolution of your case, thus I encourage you to continue working with that member.

Evans, Jeanne (Webb)

From: exempt b
Sent: Tuesday, September 22, 2009 10:31 AM
To: Evans, Jeanne (Webb); Kaitlan Parker; McIntyre, Betsy (Warner)
Cc: Colleen Stephens
Subject: Congress action?

We are now 9 months into this fiasco. I have lost everything, my house, personal belongings, and health. I have 30 documented Dr visits since moving into the house in June 2006. I am broke! I have gone through \$40,000 of savings to stay afloat and re-establish somewhat of a "home" and office.

What do we need to get the government's attention?

I have been paying taxes for 45 years! I served my country in the Army Nurse Corps. I am angry....this has gone on way too long!

I have been in excruciating pain for 1.5 years. Many days are spent in tears as I try to do my job. My life has been totally compromised.

When this "finally" hits the national media.....the government is not going to look good! And it WILL hit the national media....it is a "boil" festering....and will explode!

We need action....now!

Thank you,

exempt b

9/22/2009

Evans, Jeanne (Webb)

From:

exempt

Sent: Tuesday, September 22, 2009 11:50 AM

To: Evans, Jeanne (Webb); Kaitlan Parker; McIntyre, Betsy (Warner)

Subject: Frustration!

I want to apologize for my "outburst". I am so disappointed in our government. They have allowed this toxic stuff into our country, and are now ignoring the fact that it is devouring homes, families, and lives.

So many of us have had our lives destroyed by chinese drywall. You cannot even imagine what it has done to us.

I am wiped out emotionally, physically, and financially. Our government has failed to "protect us"....and that is its job.

Sadly,
an ignored American Citizen.

exempt

9/22/2009

JIM WEBB
VIRGINIA

COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
FOREIGN RELATIONS
COMMITTEE ON
VETERANS' AFFAIRS
JOINT ECONOMIC COMMITTEE

10-000-2401

WASHINGTON OFFICE:
WASHINGTON, DC 20510
(202) 224-4024

United States Senate
WASHINGTON, DC 20510-4605

January 13, 2010

Ms. Joyce K. Frank
Acting Associate Administrator for
Congressional and Intergovernmental Relations
1200 Pennsylvania Avenue, N.W.
Room 3426 ARN
Washington, DC 2005

Ms. Frank

Enclosed is correspondence from my constituent in reference to a matter involving your agency.

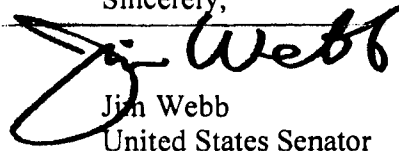
Please give this letter every appropriate consideration and review my constituent's case in accordance with all rules, regulations and laws applicable to your agency. Your immediate attention and expeditious assistance would be greatly appreciated.

Please reply in duplicate to my Hampton Roads office at 222 Central Park Ave., #120, Va. Beach, Va. 23462, Attn; Jeanne Evans, Regional Representative (757-518-1678 or Jeanne_Evans@webb.senate.gov) office and return the enclosure. In your reply, please reference Harry #602296.

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,


Jim Webb
United States Senator

JW:je
Enclosure

OFFICE OF SENATOR JIM WEBB
Information/Privacy Release/Constituent Service Inquiry Form

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

I would like help resolving an issue with the following federal agency:

Please describe the situation for which you are requesting assistance with any supporting documentation:

I currently live at Hollywood Housing Village in Newport News. A couple of weeks ago my neighbors talked to me and my wife about the Chinese Drywall issue in our community. My neighbors had their homes tested and it came back positive for Chinese Drywall. They said they have not had any luck with our builder and suggest I call your office or get a lawyer for assistance. Me and my wife are in the Army and have our home on the market for sale. We fear that because of this issue we will not be able to —

Use back for additional information and details

I hereby request the assistance of the Office of Senator Jim Webb to resolve the matter described above. I authorize Senator Webb staff to receive any information that they may need to provide this assistance.

The information I have provided to the Office of Senator Jim Webb is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Webb's office is in no way an attempt to evade or violate any federal or local law.

exempt

exempt

DATE: 2 October 2009

exempt

Date of Birth:

exempt

exempt

State: VA

Zip: 23602

exempt

Cell #:

exempt

exempt

Information:

exempt

Please Return To

Office of Senator Jim Webb

222 Central Park Ave.

Suite 120

Virginia Beach, VA 23462

757-518-1674 (p) 757-518-1679 (fax)

While I am happy to work on your behalf, as a matter of Congressional courtesy, my general policy is to avoid working on constituent cases currently being handled by other Senators or House members from Virginia. Having multiple offices working on the same matter may cause delays in the resolution of your case, thus I encourage you to continue working with that member.

sell our home. We have not had our home tested but would like to have it done. Some of the signs my neighbors told us to look for is AC problems, which we have had to get it serviced twice since moving in September 2007, and like a burnt or used firework smell which we smell in some of our rooms. My wife and two sons have asthma and it has been flaring up more often. We have another baby on the way and is worried about health problems. We can't afford to pay our mortgage and rent to move out of this house. We would greatly appreciate your assistance in this matter.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 17 2010

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Jim Webb
United States Senator
222 Central Park Avenue, Suite 120
Virginia Beach, Virginia 23462

REF: Harry #602296

Dear Senator Webb:

Thank you for your letter of January 13, 2010, to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, *Example* regarding issues related to imported drywall. I appreciate your interest and concern on behalf of your constituent.

The U.S. Consumer Product Safety Commission (CPSC) is the lead federal agency on all matters pertaining to drywall investigations. Although CPSC is the lead federal agency, EPA has provided some of the scientific support to our federal and state partners to understand the specific agents that are contributing to, or potentially causing, this problem.

Your constituent may be interested in the interim drywall identification guidance released on January 28, 2010 by CPSC and the Department of Housing and Urban Development (HUD). Also, HUD announced that homeowners with Federal Housing Administration-insured mortgages experiencing problems associated with problem drywall may be eligible for assistance to rehabilitate their properties. HUD's Community Development Block Grant Program may also help local communities combat the problem. Ms. Shantae Goodloe is the primary HUD point of contact, and she may be reached at (202) 708-0685.

If your constituent has additional questions or concerns, he may contact the CPSC through its web site, <http://www.cpsc.gov/info/drywall/index.html> or by phone at 1-800-638-2772.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Carolyn Levine, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859.

Sincerely,

A handwritten signature in black ink, which appears to read "Mathy Stanislaus", is written over the typed name.

Mathy Stanislaus
Assistant Administrator

JIM WEBB
VIRGINIA

COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
FOREIGN RELATIONS

COMMITTEE ON
VETERANS' AFFAIRS

JOINT ECONOMIC COMMITTEE

12-001-4245

WASHINGTON OFFICE:
WASHINGTON, DC 20510
(202) 224-4024

United States Senate

WASHINGTON, DC 20510-4605

August 22, 2012

Mr. David McIntosh
Associate Administrator for Congressional and Governmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue - Room 3426 ARN
Washington, DC 20460-0002

Dear Mr. McIntosh:

Enclosed is correspondence from my constituent in reference to a matter involving your agency.

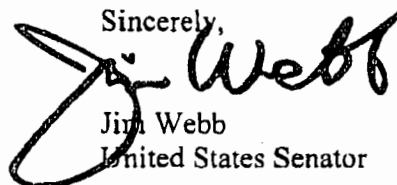
Please give this letter every appropriate consideration and review my constituent's case in accordance with all rules, regulations and laws applicable to your agency. Your immediate attention and expeditious assistance would be greatly appreciated.

Please reply in duplicate to my 507 East Franklin Street Richmond, Virginia 23219 office and return the enclosure. In your reply, please reference NEIE/Jeremy Feldbusch.

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,



Jim Webb
United States Senator

JW:dh

From:

08/21/2012 17:01

#404 P.001/006

08-22-12 A08:29 IN



Service Disabled Veteran Owned

3100 New Kent Highway
Quinton, VA 23141
Phone: (804) 932-8412
Fax: (804) 932-8415

FAX

To: Senator Jim Webb

From: Jeremy Feldbusch

Company:

Date: 8/21/2012

FAX Number: 804-771-8313

Pages: 5 including cover

Phone Number:

RE: Immediate Assistance Requested

☒ **X Urgent**

☐ **For Review**

☐ **Please Comment**

☐ **Please Reply**

MESSAGE:

I am writing to you seeking IMMEDIATE assistance from your office regarding the unfounded allegations and potential debarment of our company by the USEPA, an agency which our company has never conducted business with. The attached document fully outlines the magnitude of our situation. As a result of this matter we will potentially lose the majority of our contracts as well as most of our current employees. If this matter is not resolved expeditiously our company will be forced to close its doors permanently.

Please contact me directly at (724) 840-9261 or Dean Hohman who is one of the other owners at (804) 932-8412 EXT: 14 with any questions. We will be glad to assist in any way that we can or provide any additional information that you may require. This is an urgent matter that does require immediate attention. Your response and follow up with us will be greatly appreciated!!

Thank you in advance.

Jeremy W. Feldbusch
Managing Member, President
NEIE Medical Waste Services, LLC.

**NEIE MEDICAL WASTE SERVICES, LLC***A Service-Disabled Veteran-Owned Small Business***8/21/2012**

Senator Jim Webb
507 East Franklin Street
Richmond, VA 23219
Phone: 804-771-2221
Fax: 804-771-8313

Re: NEIE Medical Waste Services, LLC Proposed for Debarment - Immediate Action Requested

Dear Senator Webb,

My name is Jeremy W. Feldbusch and I am the President, member, and majority owner of NEIE Medical Waste Services LLC (NEIE MWS).

I am the First National spokesperson for Wounded Warrior Project (WWP). I am also a founding member of WWP. I am a 100% disabled combat wounded veteran. I was injured serving as an Army Ranger with the 3rd Battalion, 75th Ranger Regiment in Iraq.

I was awarded the Champion of Change Award for 2011 from President Obama for my advocacy in veteran's issues and for building a successful business.

On June 10, 2011, James A. Coleson, my trusted business partner, friend, and founding member of NEIE Medical Waste passed away. The death of James A. Coleson left me and Dean Hohman, the remaining owners, with some uncertainty as we were not fully aware of everything James Coleson was doing day-to-day.

Recently, while trying to update the System for Award Management System (SAM) after an ownership change within NEIE MWS it was discovered that we were being proposed for debarment as of 8/2/12 by USEPA an Agency we have NEVER conducted business. This came as a complete surprise. I immediately stopped the SAM system update and reached out to our attorney. According to the SAM System the proposed date for debarment was 8/2/2012; however, NEIE MWS did not receive a notice of this proposed action nor the alleged reasons for the debarment until 8/20/2012 via certified mail.



August 2012

We attempted repeatedly to contact USEPA to find out why NEIE MWS was being proposed for debarment but were unable to find out why. We were not notified for 18 days as to the charges alleged against our company, however; during this time we have been prohibited from bidding on new contracts and prohibited from receiving option year awards for our current contracts without knowing the basis why or being allowed to defend our Company.

On 8/20/2012 we received a package in the mail addressed to *exempt* NEIE MWS certified with a "return receipt" from the USPS. This package was from USEPA Debarment Official. *exempt* is NOT an employee, owner or authorized representative of NEIE MWS so we could not understand why the package was address to him. Upon review of the package it was discovered NEIE Medical Waste Services was being proposed for debarment because USEPA claims our company and NEIE, Inc. are affiliated, which they are NOT. I reached out to Chris Coleson who is the current owner of NEIE, Inc. and informed him we were proposed for debarment because of NEIE, Inc.

Chris Coleson is the son of Mr. James A. Coleson. James A. Coleson was the previous owner of both NEIE, Inc. and NEIE MWS and at the time while James A. Coleson was alive the businesses were affiliated but today this is *NO longer* the case. Chris informed me that he believed that this action was taken by *exempt* of the USEPA as a result of the Small Business Administration (SBA) Certificate of Competency (COC) evaluation related to NEIE, Inc.

Due to this action taken by the USEPA we NEIE MWS are now in a position where we are listed on the Excluded Parties List System (EPLS) and listed as proposed for debarment in the SAM system which is causing our company great harm and is resulting in our inability to renew existing contracts and receive new contract awards. If this issue is not resolved by early September we are now in jeopardy of:

- Losing 63 of our current 79 contracts;
- Laying off 24 employees, each who have families that rely on their employment with NEIE MWS; and
- Losing \$6.3M in contract value as a result of this unfounded action.

This action WILL bankrupt our company by September 30, 2012!

Again, I am a 100% disabled combat wounded veteran and majority owner of NEIE Medical Waste Services, LLC a business that is NOT associated or affiliated with NEIE, Inc. in any way.

This contracting officer is alleging that I am not a service disabled veteran in control of my business? She is WRONG! And she knows who I am as she has mentioned me by name in several of her protests against NEIE, Inc.



August 2012

We are seeking IMMEDIATE assistance and support from our Congressional representatives in this matter to reach out to the USEPA Debarment Official and resolve this matter expeditiously. We want our company (NEIE Medical Waste Services) removed from this debarment process immediately as we have NO association or affiliation with NEIE, Inc.

We are currently on the verge of losing our business and having to shut our doors permanently. We have 63 contracts that CANNOT be renewed in September because of this action. We have already lost 1 contract on August 17, 2012 as a result of the USEPA. We strongly feel that this action taken by the USEPA is unwarranted and without merit. The Agency has based their assumption of affiliation because at one time both companies majority owned by James Coleson and some databases list NEIE Medical Waste Services as associated businesses which they are NOT.

Honored by the White House in November as a Champion of Change, then bankrupted by the very administration that gave out that award? The media would have a field day. In 2007 when I started NEIE Medical Waste Services, LLC with James A. Coleson, I was looking forward to building this small business. We have built a great business.

EPA could very well destroy my business in the next few weeks if this action is not removed. Lastly, *exempt b* of USEPA knows who I am and that I am a 100% combat wounded veteran and majority owner in NEIE Medical Waste Services, LLC. She knows I am the First National Spokesperson for Wounded Warrior Project and also knows I was honored at the Whitehouse. This contracting officer knowingly omitted my information from the debarment panel in her zeal to place us on the list. She knows I am a 100% combat wounded veteran and majority owner of NEIE Medical Waste Services, LLC.

In an attempt to harm Chris Coleson and my deceased business partner James A. Coleson, she willingly left out information regarding my ownership in NEIE Medical Waste Services, LLC. Information she is fully aware of! The contentious relationship over the past few years with the Coleson's and this contracting officer is no secret. I am however saddened that this contracting officer has willingly omitted information about ME. She apparently mentioned my name and accomplishments in a recent COC application to the SBA for NEIE, Inc. although I am not an owner in that company. This contracting officer's actions, and willingness to leave out information about my company, that she has readily available, should demonstrate how intent she is on harming Chris Coleson at other people's expense.

exempt b knows that I am a 100% disabled combat wounded veteran and majority owner of NEIE Medical Waste Services, LLC a business that is NOT associated or affiliated with NEIE, Inc. in any way.



August 2012

I am the First National spokesperson for Wounded Warrior Project (WWP). I am also a founding member of WWP. I am a 100% disabled combat wounded veteran.

We are currently submitting a petition to the USEPA to demonstrate that we, NEIE Medical Waste Services, ARE NOT affiliated in any way with NEIE, Inc. and we need your assistance to ensure there is prompt attention to our case so that we can be removed from this debarment proceeding. If action is not taken right away we will lose almost ALL of business by early September and be forced to lay off almost our entire staff.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'J. Feldbusch', is written over a horizontal line.

Jeremy W. Feldbusch
Managing Member/President
NEIE Medical Waste Services, LLC

CC: Congressman Bobby Scott
Lisa Jackson - EPA Administrator
Alisha Johnson - EPA
David Bloomgren - EPA

U. S. SENATE FAX



Darryl Holt
Field Representative

Jim Webb
United States Senator
Virginia
<http://webb.senate.gov>

507 E. Franklin Street
Richmond, VA 23219
Phone: (804) 771-2221
Fax: (804) 771-8313

Darryl_Holt@Webb.Senate.gov

TO:

David McIntosh

FAX #:

202 501 1519

FROM:

Darryl Holt

SUBJECT:

NEIE - Jeremy Feldbusch constituent inquiry

DATE:

8/22/12

PAGES

7

(INCLUDING COVER SHEET)

COMMENTS:

Pls. respondThanks,
Darryl Holt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 27 2012

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

The Honorable Jim Webb
United States Senate
Washington, DC 20510-4605

Dear Senator Webb:

Thank you for your letter dated August 22, 2012, on behalf of your constituent, Mr. Jeremy Feldbusch, the President and majority owner of NEIE Medical Waste Services, LLC (NEIE MWS). Mr. Feldbusch expressed concern about a Notice of Proposed Debarment that I issued against his company.

As the Environmental Protection Agency's Suspension and Debarment Official, I am responsible for issuing suspension and debarment decisions to protect the federal government's business interests. On August 2, 2012, I issued a Notice of Proposed Debarment under the Federal Acquisition Regulation against NEIE Inc, and Christopher Coleson, a member of NEIE, Inc. based on evidence that NEIE, Inc. and Christopher Coleson made false representations to the EPA. These representations attested to the involvement of James Coleson, the founder of NEIE, Inc. and a service-disabled veteran, in connection with a request for proposals under a Service Disabled Veteran-Owned Small Business set-aside program. The record indicates that after James Coleson's death on June 10, 2011, NEIE, Inc. and Christopher Coleson continued to claim status under this program, representing that James Coleson continued to own and manage NEIE, Inc.

I also included NEIE MWS in my Notice of Proposed Debarment as an affiliate of NEIE, Inc. and Christopher Coleson under the FAR authority to extend a debarment to contractor "affiliates." The evidence in the record as of August 2, 2012 showed that Christopher Coleson controlled, or had the power to control, both NEIE, Inc. and NEIE MWS, and that the companies share a common business address.

On or about August 29, 2012, I received a letter from William Hughes, Esquire, the attorney representing NEIE MWS. At his request, I expedited the review process, and based on the additional evidence provided, made an informed decision to terminate the proposed debarment of NEIE MWS. NEIE MWS is now eligible to be awarded new contracts and otherwise participate in federal assistance programs.

Again thank you for your letter. If you have any further questions, please contact Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Pelletier", with a long horizontal flourish extending to the right.

Richard A. Pelletier
Suspension and Debarment Official

JIM WEBB
VIRGINIA

WASHINGTON OFFICE:
WASHINGTON, DC 20510
(202) 224-4024

COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
FOREIGN RELATIONS
COMMITTEE ON
VETERANS' AFFAIRS
JOINT ECONOMIC COMMITTEE

United States Senate
WASHINGTON, DC 20510-4805

June 11, 2009

Mr. Stephanie N. Daigle
Executive Director
Environmental Protection Agency
1225 New York Avenue, Suite 1100
Washington, D.C. 20005

Fax #: 202-501-1519

Dear Mr. Daigle:

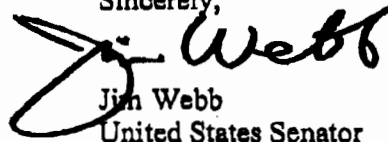
This letter is sent on behalf of my constituent, *exempt* about whom I have previously written.

exempt has expressed disagreement with the response of Craig E. Hooks, Acting Assistant Administrator in the office of Administration and Resources Management, and has outlined the points on which there is such disagreement. For your convenience, I have enclosed *exempt* letter to me and, additionally, a copy of Mr. Hooks' original response. In addition, I have enclosed a copy of *exempt* signed Privacy Release.

I would appreciate your reviewing my constituent's additional concerns in accordance with all rules, regulations, and laws applicable to your agency. Please send your response to the attention of my Regional Representative, Gwen Sigda, at 1501 Lee Highway, Suite 130, Arlington, VA 22209. She may also be reached by phone at 703-807-0581, by fax at 703-807-5198, or by e-mail at gwen_sigda@webb.senate.gov.

With kindest regards, I am

Sincerely,


Jim Webb
United States Senator

JW: gs

Exempt 6

May 27, 2009

RECEIVED
MAY 29 2009

Senator Jim Webb
Northern Virginia Regional Office
1501 Lee Highway
Suite 130
Arlington, Virginia 22202

Dear Senator Webb:

I have received your letter of May 6 pertaining to my complaint of discrimination, harassment and endangerment. I have also had someone else review it.

Once again, the detailed charges I have submitted to you, with documentation, were not addressed at all. In fact they (EPA) appear to be fearful to address the complaint. You will notice that the letter was signed again by an administrative assistant and not investigated by any responsible official.

The prior letter was also signed by an administrative clerk. It is quite clear that management is trying to distance itself from the issue.

There is no attempt to explain a deceptive termination letter given to me using the name of an EPA employee without her permission or knowledge; no attempt to explain the harassment and the abusive use of the security guard against a 69 year old diabetic—in short, they have not replied to the complaint.

The SEE program is a federally funded program for seniors. Any violations under that program should be taken seriously and investigated. EPA officials should be able to have a responsible official investigate my complaint, especially when the request comes from the office of a United States senator. By directing clerks to answer your inquiries, management is obviously trying to hide from the issue.

I previously submitted a detailed package of documents to you. None of the information in those documents has been addressed in any of the responses to the letters you have received from the EPA. In fact, they have completely skirted the information. For instance, there is no mention in the letters as to why *Exempt 6* abused her power and had me (a 69 year old diabetic with medical problems) escorted out of the building by a security guard, thereby misusing the security force for her own benefit.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 05 2009

MAY - 1 2009

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

The Honorable Jim Webb
United States Senator
1501 Lee Highway, Suite 130
Arlington, Virginia 22209

Dear Senator Webb:

Thank you for your March 24, 2009 letter regarding your constituent, *Exempt* concerning the non-renewal of her annual enrollment agreement in the Senior Environmental Employment (SEE) Program.

The SEE Program provides an opportunity for retired and unemployed older Americans age 55 and over to share their expertise with the EPA. We take pride in this program that provides older workers with an opportunity to remain active by using their skills in meaningful environmental programs.

As stated in our January 16, 2009 letter signed by the Assistant Administrator for the Office of Administration and Resources Management, *Exempt* was selected to participate as a SEE enrollee pursuant to the terms and conditions of an Environmental Protection Agency (EPA) Cooperative Agreement with the National Older Worker Career Center (NOWCC).

EPA appropriately reviewed the issues raised by *Exempt* regarding the non-renewal of her annual enrollment agreement with the NOWCC. Specifically, under her signed enrollment agreement (enclosed) she is not considered a federal government employee. The enrollment agreement stated that her assignment would begin on September 30, 2007 and expire no later than September 29, 2008. The NOWCC notified *Exempt* on September 12, 2008 that her last day in the Program would be September 30, 2008 and reminded her that the SEE assignments are temporary in nature. Based on the action of the NOWCC, they followed the appropriate policy and procedures for enrollment and non-renewal of SEE assignments.

The responses you receive are completely generic, without any substance. Any abuses in the SEE program, either by discriminatory policy or abusive management deserve accurate responses, not generic evasive answers.

Why can they not answer any of the serious charges? Only generic responses are forthcoming. If this is such a generic matter, why can I not even go into the building to inquire about employment in other departments. I have a letter of recommendation and was well liked by other employees in my and other departments yet this ~~individual~~ *exempt* individual is abusing my rights and no one is investigating. This abuse should be an embarrassment to EPA officials.

Once again, I am requesting that the matter be properly investigated and that your office be given serious, and not evasive answers. Again, it is hard to believe that they can adopt such a cavalier attitude toward a senator.

Thank you again for your assistance.

Sincerely,

exempt
exempt

OFFICE OF SENATOR JIM WEBB**Information/Privacy Release**

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

Please describe the situation for which you are requesting assistance:

Termination of Employment as an employee under the Senior Environmental Employment Program at the EPA on September 15, 2008. Details of the complaint were submitted in detail separately. I was released for discriminatory reasons, and harassed the day I was released so that my health was in danger—an employee said I had 30 minutes to leave—counted over me even though I said I was not feeling well—I could not even take my insulin shots. Subsequently a non-Hispanic was hired in my place. I am a senior Hispanic

I hereby request the assistance of the Office of Senator Jim Webb to resolve the matter described above. I authorize Senator Webb and his staff to receive any information that they may need to provide this assistance.

The information I have provided to the Office of Senator Jim Webb is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Webb's office is in no way an attempt to evade or violate any federal, state, or local law.

SIGNED: exempt b DATE 01/07/09

Name: (please print) exempt b Date of Birth: exempt b

Address exempt b

City: Arlington State: Virginia Zip: 22202

Day Telephone: exempt b Evening Telephone: _____

E-mail Address: exempt b

Federal Agency Involved: EPA

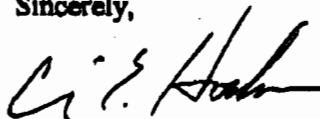
Case Number (if applicable): _____

While I am happy to work on your behalf, as a matter of Congressional courtesy, my general policy is to avoid working on constituent cases currently being handled by other Senators or House members from Virginia. Having multiple offices working on the same matter may cause delays in the resolution of your case, thus I encourage you to continue working with that member.

she he chooses, may pursue recourse with the Equal Employment Opportunity Commission (EEOC) should she believe the issues expressed in her letter involve discrimination.

Again, thank you for your letter.

Sincerely,



Craig E. Hooks
Acting Assistant Administrator

Enclosure

AL-09-000-8944



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL - 9 2009

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Jim Webb
United States Senator
1501 Lee Highway, Suite 130
Arlington, VA 22209

exempt

Dear Senator Webb:

Thank you for your June 11, 2009 letter regarding your constituent, *exempt*, concerning the non-renewal of her annual enrollment agreement in the Senior Environmental Employment (SEE) Program.

I want to assure you that the concerns raised by *exempt* have been reviewed by senior Agency officials, and we believe that we have address the matter in our prior correspondence to your office dated January 16, 2009, and May 1, 2009. You can obtain additional information about *exempt* from the National Older Worker Career Center (NOWCC), located at 3811 North Fairfax Drive, Suite 900, Arlington, Virginia 22203.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Carolyn Levine at (202) 564-5200.

Sincerely,

Joyce K. Frank

Joyce K. Frank
Acting Associate Administrator

JIM WEBB

VIRGINIA

COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
FOREIGN RELATIONS

COMMITTEE ON
VETERANS' AFFAIRS

JOINT ECONOMIC COMMITTEE

WASHINGTON OFFICE:

WASHINGTON, DC 20510
(202) 224-4024

United States Senate

WASHINGTON, DC 20510-4605

09-001-5456

October 2, 2009

Mr. Stephanie N. Daigle
Executive Director
Environmental Protection Agency
1225 New York Avenue, Suite 1100
Washington, DC 20005

Dear Mr. Daigle:

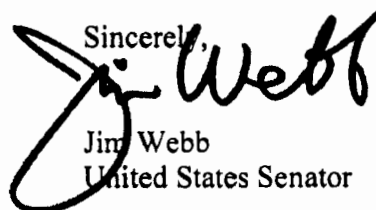
Enclosed is correspondence from my constituent in reference to a matter involving your agency.

Please give this letter every appropriate consideration and review my constituent's case in accordance with all rules, regulations and laws applicable to your agency. Your immediate attention and expeditious assistance would be greatly appreciated.

Please reply in duplicate to my 222 Central Park Ave., # 120, Va. Beach, Va. 23462, Attn: Jeanne Evans, Regional Representative (757-518-1678 or Jeanne_Evans@webb.senate.gov) office and return the enclosure. In your reply, please reference Anderson # 602191.

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,

Jim Webb
United States Senator

JW: je
Enclosure

✓

OFFICE OF SENATOR JIM WEBB
Information/Privacy Release/Constituent Service Inquiry Form

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

I would like help resolving an issue with the following federal agency:

FEMA, CPSC, Codes and Compliances, US Dept of Health

Please describe the situation for which you are requesting assistance with any supporting documentation:

I hereby request the assistance of the Office of Senator Jim Webb to resolve the matter described above. I authorize Senator Webb staff to receive any information that they may need to provide this assistance.

The information I have provided to the Office of Senator Jim Webb is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Webb's office is in no way an attempt to evade or violate any federal, state, or local law.

SIGNED: Exempt DATE: 9/23/09

Name: (please print) Exempt Date of Birth: Exempt

Address: Exempt

City: Newport News State: VA Zip: 23602

Home: _____ Work #: _____ Cell #: Exempt

E-mail Address: Exempt

Case Number, SSN or Other Identifying Information: _____

Please Return To
Office of Senator Jim Webb
222 Central Park Ave.
Suite 120
Virginia Beach, VA 23462
757-518-1674 (p) 757-518-1679 (fax)

While I am happy to work on your behalf, as a matter of Congressional courtesy, my general policy is to avoid working on constituent cases currently being handled by other Senators or House members from Virginia. Having multiple offices working on the same matter may cause delays in the resolution of your case, thus I encourage you to continue working with that member.

OFFICE OF SENATOR JIM WEBB
Information/Privacy Release/Constituent Service Inquiry Form

I would like help with the following Federal Agencies: FEMA, CPSC, ICE, US Department of Health

Please describe the situation for which you are requesting assistance with any supporting documentation: Our Townhouse located at . . . *Exempt* that was purchased in August 2006, was built with Chinese drywall. The builder was Atlantic Homes L.L.C. Upon learning about the possibility of our home having the Toxic Chinese Drywall we had our home tested by Art Greason – Toxic Drywall Investigations (see attached Business Card). Mr. Greason took a sample, checked all three levels and the Attic for other signs/presence of Chinese Drywall. Chinese Drywall and the effects of the Toxic Drywall was found on all three level and also in the Attic. In the Attic he found the corrosion on the Air Conditioner Coils which has been identified as a major indicator of Chinese Drywall.

We contacted Atlantic Homes about the Chinese Drywall, after several calls and threat of legal action; Atlantic Homes finally returned our calls and made an appointment for some inspector from their company to check our home. The Atlantic Homes Inspector indicated that we have Chinese Drywall and they look at the areas where Mr. Greason had checked, they did not take any independent samples. They asked questions about when did we first notice problems associated with the drywall, I provided them details on the Electrical problems, Air Conditioning and Health problems we have encountered since being in the house. I did not have any headaches and/or respiratory problem while on vacation, upon return to our house my health problems return.

We have retained a lawyer to seek resolution from the builder, since the Atlantic Homes is reluctant to do anything about the Chinese Drywall. Please see the attached letter that Atlantic Homes sent to one of our neighbors that also has the Toxic Chinese Drywall in their home.

Our dilemma is that our home is now practically worthless. We are still required to pay the mortgage, maintain homeowners insurance on a home with little to no value. Another home owner in our development indicated that thru their research that similar homes in Florida with Chinese drywall are now worth approximately 30K, this not a good situation for a new home that cost over 250K to purchase.

Attached are the documents that we have to sustain our claim/request for assistance. The sample of drywall also been sent for scientific testing by our attorney and at this point we don't have the findings of the Toxic chemical levels present in our sample.

Senator Webb, as a retired Army Officer and my Wife is a survivor of the 9/11 attack on the World Trade Center (tower #2), we request your assistance in getting resolution and relief on property tax assessments and future help with medical care needed associated with exposure to Chinese Drywall. As a retired veteran, hoping to come back on active duty a retiree recall to continue my support of the Global war on Terrorism, I like would like to thanks you in advance

for your support of my wife, myself and all my neighbors' in the Hollymade Community affected by the Chinese drywall. Please feel free to contact my wife Valerie at the contact info listed on your original Information/Privacy Release/Constituent Service Inquiry Form.

Respectfully,

exempt b

LTC, US Army Retired

757-757-7577

Email:

Email:

exempt b
exempt b



109 Nat Turner Boulevard • Newport News, Virginia 23606 • Telephone: (757) 596-8800 • Fax (757) 596-8516
#139654

September 4, 2009

Example
Newport News, VA 23602

Dear *Example*

We are responding to your recent notice, which is one of the first complaints we received that may be associated with Chinese drywall. We recently learned that the subcontractor we used for the installation of the drywall in your homes, *Example*, had used drywall from China. We had no idea at the time of installation or at the time that the homes were sold that drywall from China had been used.

It has been reported that some of the drywall imported from China is possibly harmful, and some is not. We have no idea if Chinese drywall was installed in your home and, if it was, what the quality or amount of the drywall might have been.

To assist us, could you forward test results and any anecdotal information you think helpful to us at the above address as soon as possible? Could you also include information on how best to contact you during the day for additional information or to gain access to your home? We will need to research both the situation and possible resources prior to determining how best to proceed and will appreciate your help in the process.

However, please be aware that Atlantic Homes, LLC has limited resources. We have advised our insurance carrier of the problem. It has not yet responded, but we know from litigation around the country that insurance carriers will do everything in their power to deny coverage for this issue.

We know this situation is extremely upsetting to you, as it is to us. It appears we both may be victims. Please know we are anxious to work with you.

Sincerely,

Example

Hollymeade Village Homeowners Association



COMMUNITY ISSUES

The Advisory Committee invites you to attend the next Community meeting on Tuesday, April 28 at 7:00 pm at the Mary Immaculate Health and Resource Center.

At the March 24th meeting, the installation of mailbox shelters and installation of a bridge at the ditch was discussed. These items will be further discussed at the next Committee meeting. The installation of a playground was also discussed. As a result of the discussion, the Advisory Committee would like to solicit volunteers to serve on a "Playground Committee" to poll homeowners and determine what type of playground to install that would best benefit the community.

Pets are welcome in the Hollymeade Village Community. However, it is important to remember to bring the necessary equipment to pick up after your pets when walking them.

As the Hollymeade Village Community grows, so does the need for everyone in the neighborhood to be cautious of children playing. Please be mindful of your speed limit when driving through the neighborhood.

As you may have noticed, the outside lighting has been malfunctioning.

Management is in the process of getting the lights repaired. The problem cannot be fixed overnight, but we hope to have the lights up and running within a few days.

CHINESE DRYWALL

Some of you may have received a letter regarding the Chinese Drywall in homes built in 2004 to 2007. Jonathan Skinner of McCale Development reported that Atlantic Homes assures him that NO Chinese Drywall was used in building the homes at Hollymeade Village.

This was sent to us back March 09

MANAGER'S CORNER

exempt

As you may know, a fire occurred at Hollymeade on March 9. According to the Fire Marshall report, the fire may have been caused by a minor smoking. If anyone has any information regarding the fire, please contact Management at

exempt



TOXIC DRYWALL INVESTIGATIONS

ART GREASON

ART@ADDICTIVEFLYFISHING.COM

757-236-6303



NEWPORT NEWS

[Comments](#) | [Recommended](#)

Chinese drywall concerns in Newport News subdivision **VIDEO**

05:50 PM EDT on Friday, September 11, 2009

By Patrick Terpstra, 13News

NEWPORT NEWS – Nearly 70 homes in a Newport News neighborhood could be checked after Chinese drywall was found in one house.



Video: Drywall concerns in Newport News neighborhood

[Larger screen](#) [E-mail this clip](#)

Atlantic Homes, LLC. developed homes in the Hollymeade subdivision and confirmed the drywall in the one home.

The company says 10 homeowners are concerned about the potentially toxic drywall and some of them have retained an attorney.

Meantime, the City of Newport News is looking into what assistance is available to homeowners.

Create A Screen Name

Screen names can only consist of letters and numbers.

Your screen name will appear to everyone.

NOTE: You cannot change, delete, or edit your screen name once you hit "Save".

CHECK

CANCEL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 24 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Jim Webb
United States Senator
222 Central Park Avenue, Suite 120
Virginia Beach, Virginia 23462

REF: Anderson #602191

Dear Senator Webb:

Thank you for your letter of October 2, 2009, to the U.S. Environmental Protection Agency (EPA) on behalf of your constituents *exempt*, regarding issues related to imported drywall. The U.S. Consumer Product Safety Commission (CPSC) is the lead federal agency on all matters pertaining to the drywall investigation. EPA will forward your constituents' letter to CPSC.

EPA has contributed scientific expertise to help decipher the mechanisms associated with the drywall that are causing indoor air issues. In support of CPSC, the EPA has tested drywall samples and has conducted air monitoring in six homes in Florida and Louisiana. This effort was an attempt to identify the causative agent(s) of concern. The data from our testing has been reviewed by a federal and state technical team led by CPSC. The Centers for Disease Control and Prevention (CDC), the Department of Housing and Urban Development (HUD), EPA, the Florida Department of Health (FLDOH), the Louisiana Department of Health and Hospitals (LADHH), and the Virginia Department of Health (VADOH) are represented on this technical team. The testing results were released on October 29, 2009, and these results can be accessed at <http://www.drywallresponse.gov>.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,

A handwritten signature in black ink, which appears to read "Mathy Stanislaus", is written over the typed name.

Mathy Stanislaus
Assistant Administrator

10-001-1342

BLANCHE L. LINCOLN, ARKANSAS
CHAIRMAN

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TOM HARKIN, IOWA
KENT CONRAD, NORTH DAKOTA
MAX BAILEUS, MONTANA
DEBBIE STABENOW, MICHIGAN
F. BENJAMIN NELSON, NEBRASKA
SHERROD BROWN, OHIO
ROBERT P. CASEY, JR., PENNSYLVANIA
AMY KLOBUCHAR, MINNESOTA
MICHAEL BENNET, COLORADO
KIRSTEN GILLIBRAND, NEW YORK

United States Senate

COMMITTEE ON
AGRICULTURE, NUTRITION, AND FORESTRY
WASHINGTON, DC 20510-6000
202-224-2035

SAXBY CHAMBLISS, GEORGIA
RANKING REPUBLICAN MEMBER

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THAD COCHRAN, MISSISSIPPI
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JOHN THUNE, SOUTH DAKOTA
JOHN CORNYN, TEXAS

July 2, 2010

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

We are very concerned about the U.S. Environmental Protection Agency's (EPA) decision in the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule to consider the emissions from biomass combustion the same as emissions from fossil fuels.

EPA's decision contradicts long-standing U.S. policy, as well as the agency's own proposed Tailoring Rule. Emissions from the combustion of biomass are not included in the Department of Energy's voluntary greenhouse gas (GHG) emissions reporting guidelines and neither are they required to be reported under EPA's GHG Reporting Rule. In the proposed Tailoring Rule, EPA proposed to calculate a source's GHG emissions based upon EPA's Inventory of U.S. GHG Emissions and Sinks. The GHG Inventory excludes biomass emissions.

We think you would agree that renewable biomass should play a more significant role in our nation's energy policy. Unfortunately, the Tailoring Rule is discouraging the responsible development and utilization of renewable biomass. It has already forced numerous biomass energy projects into limbo. We are also concerned that it will impose new, unnecessary regulations on the current use of biomass for energy.

We appreciate that EPA intends to seek further comments on how to address biomass emissions under the PSD and Title V programs. With this rule, the agency has made a fundamental change in policy with little explanation. We strongly encourage you to reconsider this decision and immediately begin the process of seeking comments on it. In addition, we appreciate Secretary of Agriculture Tom Vilsack's commitment to working with EPA on this issue and encourage you to utilize the expertise of the U.S. Department of Agriculture.

1

Please let us know as soon as possible the agency's plans on this matter. We appreciate your attention to this important issue.

Sincerely,

Wendy L. Linch Sally Chaublin

Mark Royce Amy Klobuchar

Sam Bernbach Dick Lugar

Paul Udall Mary Gandy

Jim Johnson Jeff Bond

Joe Webb J. H.

Lloyd H. Wicker

Susan Collins

Kay R. Hazen

Th. W.

Mike Croy

Paul Calman

John Thorne

Jan E. Kiesel

Bob Carey, Jr.

Jeff Sessions

ACSA

Patty Murray

Olympic Council

Mark Beyer

Mark R. Warner

Richard Shelby

Jeffrey S. Markley

Jon Teich

Joe Neubauer

Cine McCasill

My Barnes

Don Vitter

Jeanne Shaker

George V. Voinovich



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 09 2010

OFFICE OF
AIR AND RADIATION

The Honorable Jim Webb
United States Senate
Washington, D.C. 20515

Dear Senator Webb:

Thank you for your July 2, 2010, letter to Administrator Jackson raising concerns regarding the treatment of biomass combustion emissions in the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule (the "Tailoring Rule"). At her request, I am writing to respond.

I would like to address your comments about the treatment of biomass combustion emissions in the final Tailoring Rule and to assure you that we plan to further consider how the PSD and Title V permitting programs apply to these emissions.

As you noted, the final Tailoring Rule does not exclude biomass-derived carbon dioxide emissions from the calculations for determining PSD and Title V applicability for GHGs. To clarify a point made in your letter, the proposed Tailoring Rule also did not propose to exclude biomass emissions from the calculations for determining PSD and Title V applicability for GHGs. The proposed Tailoring Rule pointed to EPA's Inventory of Greenhouse Gas Emissions and Sinks for guidance on how to estimate a source's GHG emissions on a CO₂-equivalent basis using global warming potential (GWP) values¹. This narrow reference to the use of GWP values for estimating GHG emissions was provided to offer consistent guidance on how to calculate these emissions and not as an indication, direct or implied, that biomass emissions would be excluded from permitting applicability merely by association with the national inventory.

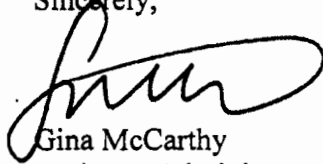
We recognize the concerns you raise on the treatment of biomass combustion emissions for air permitting purposes. As stated in the final Tailoring Rule, we are mindful of the role that biomass or biogenic fuels and feedstocks could play in reducing anthropogenic GHG emissions, and we do not dispute observations that many federal and international rules and policies treat biogenic and fossil fuel sources of CO₂ emissions differently. Nevertheless, we explained that the legal basis for the Tailoring Rule, reflecting specifically the overwhelming permitting burdens that would be created under the statutory emissions thresholds, does not itself provide a rationale for excluding all emissions of CO₂ from combustion of a particular fuel, even a biogenic one.

¹ See 74 FR 55351, under the definition for 'carbon dioxide equivalent'.

The fact that in the Tailoring Rule EPA did not take final action one way or another concerning such an exclusion does not mean that EPA has decided that there is no basis for treating biomass CO₂ emissions differently from fossil fuel CO₂ emissions under the Clean Air Act's PSD and Title V programs. The Agency is committed to working with stakeholders to examine appropriate ways to treat biomass combustion emissions, and to assess the associated impacts on the development of policies and programs that recognize the potential for biomass to reduce overall GHG emissions and enhance U.S. energy security. Accordingly, today we issued a Call for Information² asking for stakeholder input on approaches to addressing GHG emissions from bioenergy and other biogenic sources, and the underlying science that should inform these approaches. Taking into account stakeholder feedback, we will examine how we might address such emissions under the PSD and Title V programs. We will move expeditiously on this topic over the next several months. As we do so, we will continue to work with key stakeholders and partners, including the U.S. Department of Agriculture, whose offices bring recognized expertise and critical perspectives to the issues at hand.

Thank you again for your continued interest in this issue. If you have any questions, please contact me, or your staff may contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina', with a large, sweeping flourish extending to the right.

Gina McCarthy
Assistant Administrator

² Posted online at http://www.epa.gov/climatechange/emissions/biogenic_emissions.html

11-000-5555

JIM WEBB
Virginia

COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
FOREIGN RELATIONS

COMMITTEE ON
VETERANS' AFFAIRS

JOINT ECONOMIC COMMITTEE

Washington Office:
Washington, DC 20510
(202) 224-4024

United States Senate

Washington, DC 20510-4605

April 4, 2011

Ms. Rachel Lentz
U.S. Environmental Protection Agency
Office of Brownfields and Land Revitalization
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

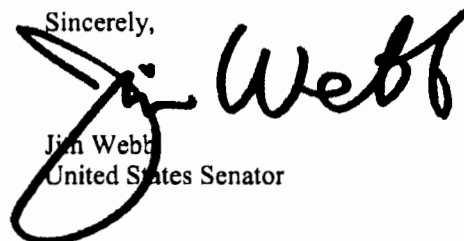
Dear Ms. Lentz:

I am writing to ask for your consideration of two 2011 EPA Brownfields Assessment Grant (EPA-560-F-05-236) applications submitted to your agency by the City of Richmond, VA. Richmond is requesting a total of \$400,000 to conduct community-wide assessments of both hazardous substance and petroleum brownfields sites.

The Richmond Department of Economic and Community Development (DECD) estimates that over 900 potential brownfields sites lay within the city limits, an area covering approximately 425 acres. The grant funds would be utilized to provide tools to identify, address, and reuse problem sites, thus minimizing uncertainties associated with potential investment in older industrial sites and stimulating economic development. Furthermore, these funds would assist DECD in assessing the needs of areas of the city that face numerous environmental, social, and economic challenges. As part of this effort, DECD proposes to establish a multi-agency Brownfields Steering Committee to help promote and oversee the assessment process, and the agency will enhance its public awareness and community outreach activities to better engage city residents in its brownfields redevelopment initiative.

I ask that you afford these applications fair and favorable consideration in keeping with all federal laws, regulations and guidelines governing your agency. I also ask that you keep me informed of the status of this application by contacting Conaway Haskins in my Richmond office at 507 East Franklin Street, Richmond, VA 23219. He can also be reached via email at conaway_haskins@webb.senate.gov and via fax at 804-771-8313.

Sincerely,



Jim Webb
United States Senator

JW/ch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 28 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Jim Webb
United States Senator
507 East Franklin Street
Richmond, Virginia 23219

Dear Senator Webb:

Thank you for your letter of April 4, 2011, supporting the Brownfields Grant Proposal from the city of Richmond, Virginia. I appreciate your interest in the Brownfields Program and your support of Richmond's proposal.

As you know, the Small Business Liability Relief and Brownfields Revitalization Act assists states and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive, with EPA evaluating more than 600 grant proposals. From these proposals, EPA was able to announce the selection of approximately 300 grants.

EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants (August 2010)*, posted on our brownfields website at www.epa.gov/brownfields. Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. Be assured that the grant proposal submitted by the city of Richmond will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Synder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, flowing style.

Mathy Stanislaus
Assistant Administrator

JIM WEBB

VIRGINIA

COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
FOREIGN RELATIONS

COMMITTEE ON
VETERANS' AFFAIRS

JOINT ECONOMIC COMMITTEE

08-001-4417

WASHINGTON OFFICE:

WASHINGTON, DC 20510
(202) 224-4024

United States Senate

WASHINGTON, DC 20510-4605

November 6, 2008

Mr. Christopher Bliley
Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460

Dear Mr. Bliley:

Enclosed is correspondence from my constituent in reference to a matter involving your agency.

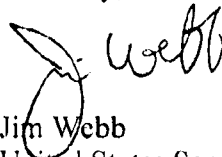
Please give this letter every appropriate consideration and review my constituent's case in accordance with all rules, regulations and laws applicable to your agency. Your immediate attention and expeditious assistance would be greatly appreciated.

Please reply in duplicate to my Norton office and return the enclosure. In your reply, please reference *Exempt b*

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,



Jim Webb
United States Senator

JW:gd
Enclosure

Norton Office:
P.O. Box 1300
Norton, Virginia 24273

276-679-4925
FAX: 276-679-4929

OFFICE OF SENATOR JIM WEBB
Information/Privacy Release

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

Please describe the situation for which you are requesting assistance:

Fraudulent provision of services to USEPA and use of illegal electronic monitoring against employees and the public by the Virginia Department of Environmental Quality.

Possible practices of illegal retaliation against terminated employees who reported misconduct By VDEQ.

See attached letter for details.

I hereby request the assistance of the Office of Senator Jim Webb to resolve the matter described above. I authorize Senator Webb and his staff to receive any information that they may need to provide this assistance.

The information I have provided to the Office of Senator Jim Webb is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Webb's office is in no way an attempt to evade or violate any federal, state, or local law.

SIGNED: exempt DATE: 10/21/08

Name: (please print) exempt Date of Birth: exempt

Address: exempt

City: Bedford State: VA Zip: 24523

Day Telephone: exempt Evening Telephone: exempt

E-mail Address: exempt

Federal Agency Involved: USEPA/Justice Dept

Case Number (if applicable): _____

While I am happy to work on your behalf, as a matter of Congressional courtesy, my general policy is to avoid working on constituent cases currently being handled by other Senators or House members from Virginia. Having multiple offices working on the same matter may cause delays in the resolution of your case, thus I encourage you to continue working with that member.

Senator Webb:

I do not know if your office has jurisdiction to give any assistance with my situation. It involves a state agency of Virginia but the problem involves misuse of federal delegated authority and violation of federal law by that agency. My state delegate has told me it is not a legislative matter but a matter for the governor's office. It is my belief that the violation of federal law would not be occurring if the governor's office was not complicit. Therefore I am requesting federal oversight.

My problem appears to have begun in 2005 when I reported misconduct by the management of the Virginia Department of Environmental Quality to the USEPA. The VDEQ appears to have decided to "get me" at that point but it took them quite some time and effort to dismiss me.

The original allegation was that VDEQ was authorizing Title V Federal Operating Permits (air permits) which were knowingly unenforceable as a practical matter in order to meet the funding deadlines for appropriations as a delegated federal authority. This appears to be a common practice of the agency. One is led to believe that the mission of the VDEQ is to protect the environment of Virginia and the health of the people of Virginia. In fact, the mission of the agency is to maintain or increase its level of funding and protect the salaries and bonuses of the managers. Any other benefits derived from its actions are purely ancillary to the principle mission. In my ten years with the agency, I can categorically state that the VDEQ management has no qualms about lying to the EPA, the governor's office, the legislature, the citizen's oversight boards, the regulated community, or the public, if doing so advances the agenda of the managers.

Shortly following the first incident, I had the spyware activated on my computer. At the time, the regulations stated that no more than one hour of personal use was allowed on the internet during a day. I was working an alternate ten-hour day schedule. After three weeks of monitoring, I was placed on three years probation for use of the internet above the allowed limits. The infractions were 60.1 minutes on one day and 60.3 minutes on another day. The charges also included using the agency printer for 60-70 pages of personal material over three weeks. This does not seem like an offense deserving three years probation. Also part of the internet use was consulting an online dictionary. I was told that unless I could demonstrate (seven weeks after the fact) that it was work related, the time was personal. I requested copies of the documentation of my "infractions" twice and was told I would receive them, but never did.

During the subsequent year an effort was made to dismiss me based on work performance. In each regional office, air permits are assigned as source assigned or work-load assigned. The first are facilities assigned to a specific permit writer because they involve a level of complexity that needs a certain level of familiarity. The second are permits from "standard" operations, assigned on the basis of which permit writer has a low workload. For fiscal 2007, despite a higher than normal activity in my source assigned permits, I was given nearly every work-load assigned permit that came into the region, I completed every assignment within the specified deadlines and at the end of the year I had personally accounted for over 50% of the work done by a six person

department. I did not even receive a bonus for this. I was rated as deficient in the category of "use of agency resources" based on the personal use of the printer that had been cited the previous year. When I questioned this, I was told that while the action had occurred in fiscal 2006, the letter of reprimand was written two weeks into the 2007 fiscal year and could therefore be used in that year's evaluation.

My termination came as the result of refusing to follow "orders from proper authority." USEPA had complained that Virginia air permits were not consistent to the degree they expected. This was most likely the result of large turnover and poor training. The way the management proposed to fix the problem was to "dumb down" the product of senior staff, so that all permits were consistently bad. The method was a new position to audit permits and the person assigned to the position would not allow any permit conditions that were not verbatim from the boilerplate template of the agency. One of the regulated sources assigned to me had two processes where emissions from the processes were solely proportional to the amount of material processed and completely independent of the machines used. The history of the source was that machines were frequently changed in these processes. Their previous permits had allowed them to accept a throughput limit on each process and simply notify the agency of any machine replacement. The new auditor contended that any machine change was a "modification" and the reporting condition had to be removed. In future every machine replacement would require a formal exemption request. This would add about 6-10 weeks and \$5-7,000 in compliance costs every time this occurred (2-3 times per year). I was ordered to tell the source that this was required by state regulations. In fact, it was not required by the regulations, only by the auditors interpretation of internal agency procedures. I informed the source of what was happening and was terminated.

Based on the almost complete transcript of a conversation lasting less than five minutes and "overheard through a closed office door," it is evident that the agency also has illegal monitoring equipment on all agency phones. The agency refuses to answer questions regarding the existence of such a system.

Additionally, in my exit interview I was told that the Agency did not wish to pay unemployment benefits. They wanted my resignation. If I refused to resign, they would do everything possible to block my further employment with other state agencies and with any local agency funded by the state (including substitute teaching). I therefore resigned and have received no unemployment benefits, but it appears the agency may still be blocking my employment efforts, as I have not been interviewed for three positions with other state or local agencies for which I was well qualified. In addition, I have submitted over 50 applications for private sector employment for which I was qualified and received only three interviews. For two of these positions, the position was re-advertised after my interview. This leads me to believe that for at least those two positions, I was the best qualified applicant and the positions were re-advertised either due to age-discrimination, or more likely because VDEQ made inappropriate statements about my work for the agency during reference checks.

After the exit interview, I was told to return to collect my personal effects in one week. At that time, I was given two boxes that contained approximately 60% of my personal

reference material. When I inquired where the rest of my personal material was, I was told that the office had been cleaned out and that was what was left. The agency retained a significant amount of my personal reference material and presumably distributed it to other workers.

What I am requesting from your office is as much of the following as is jurisdictionally appropriate:

- 1) An investigation into whether the Virginia Department of Environmental Quality is systematically defrauding the USEPA by knowingly producing inadequate permits for which federal funds are being disbursed. Is VDEQ following a policy of ordering senior staff to adhere to rigid guidelines intended for inexperienced personnel in order to produce "consistent permits," rather than expend funds to adequately train inexperienced personnel? Is the VDEQ consistently promoting managers who are woefully unqualified for their positions and therefore treat procedures and guidance as having the force of regulation?
- 2) An investigation into whether the Virginia Department of Environmental Quality and other agencies of the Commonwealth are illegally monitoring the conversations of employees and the public in violation of the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1986 and 1999. If so, are the managers of these agencies using the information gathered to target whistle blowers or employees regarded as potential whistle blowers for termination?
- 3) Introduce legislation to protect employees of states who are engaged in work delegated from federal agencies when they report improprieties in the conduct of such delegated work. State employees are presently subject to restrictions (such as the Hatch Act) when performing such functions but have none of the protections of federal employees performing identical work. (I have several related issues regarding union busting activities by the Commonwealth if this is of interest to your office.)
- 4) Determine if VDEQ and other agencies are systematically giving poor referrals to employees targetted and dismissed as whistle blowers. There have been three such instances in just the VDEQ West Central Regional Office between May of 2007 and February of 2008.

Finally, If any of these complaints result in litigation, would I be qualified for compensation as a whistle blower, or do those provisions only apply to federal litigation against private entities?

Thank you for your interest and assistance,

~~exempt~~
exempt
exempt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

The Honorable Jim Webb
United States Senate
P.O. Box 1300
Norton, Virginia 24273

Dear Senator Webb:

Thank you for your letter of November 6, 2008 to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, *exempt*, Virginia concerning possible misuse of federal funding by the Virginia Department of Environmental Quality (VADEQ) in their air permitting program.

The Commonwealth's Title V air permitting program was approved by EPA on December 4, 2001 (see Federal Register 66 FR 62961). Virginia's air permitting program relies solely on State permitting fees and is not provided federal funding for implementation. During August of 2006, the Region III Air Protection Division completed an on-site review of the VADEQ Title V air permitting program at the Central Office in Richmond and at two of the VADEQ Regional Offices. During this review, the EPA team conducted file reviews on a number of random permit files. No inconsistencies were found. Also during this review, discussions were held with VADEQ management as well as various staff permit writers selected at random. Through these discussions, it was found that each VADEQ Office has a number of safeguards in their permitting process which allow for internal peer reviews to ensure permit consistency. These internal reviews which include a concurrence or review by the State enforcement personnel, lead to sound operating permits.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. LaRonda Koffi, EPA's Virginia Liaison, at 215-814-5374.

Sincerely,

G:/user/share/congressional/AL-08-001-4417/Congressional.doc

bg 12/3/08

CONCURRENCES							
SYMBOL	3AP11	3AP11	3RA00	3CR00	3CR00	3DA00	3RA00
SURNAME	McCauley	Anderson	Katz	Lawson	Koffi	Wisniewski	Welsh
DATE	<i>11/20/08</i>	<i>11/24/08</i>	<i>11/26/08</i>	<i>11/26/08</i>	<i>12/1/08</i>	<i>12/4</i>	<i>12/3/08</i>
EPA Form 1320-1 (12-70)							

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 04 2008

The Honorable Jim Webb
United States Senate
P.O. Box 1300
Norton, Virginia 24273

Dear Senator Webb:

Thank you for your letter of November 6, 2008 to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, *Exempt*, Virginia concerning possible misuse of federal funding by the Virginia Department of Environmental Quality (VADEQ) in their air permitting program.

The Commonwealth's Title V air permitting program was approved by EPA on December 4, 2001 (see Federal Register 66 FR 62961). Virginia's air permitting program relies solely on State permitting fees and is not provided federal funding for implementation. During August of 2006, the Region III Air Protection Division completed an on-site review of the VADEQ Title V air permitting program at the Central Office in Richmond and at two of the VADEQ Regional Offices. During this review, the EPA team conducted file reviews on a number of random permit files. No inconsistencies were found. Also during this review, discussions were held with VADEQ management as well as various staff permit writers selected at random. Through these discussions, it was found that each VADEQ Office has a number of safeguards in their permitting process which allow for internal peer reviews to ensure permit consistency. These internal reviews which include a concurrence or review by the State enforcement personnel, lead to sound operating permits.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. LaRonda Koffi, EPA's Virginia Liaison, at 215-814-5374.

Sincerely,

Donald S. Welsh
Regional Administrator

10-066-1581

**THE WHITE HOUSE OFFICE
REFERRAL**

January 21, 2010

TO: ENVIRONMENTAL PROTECTION AGENCY

ACTION COMMENTS:

ACTION REQUESTED: DIRECT REPLY W/COPY

REFERRAL COMMENTS:

DESCRIPTION OF INCOMING:

ID: 1023208

MEDIA: LETTER

DOCUMENT DATE: December 23, 2009

TO: PRESIDENT OBAMA

FROM: THE HONORABLE EVAN BAYH
UNITED STATES SENATE
WASHINGTON, DC 20510

SUBJECT: EXPRESSES CONCERN ABOUT THE ENVIRONMENTAL PROTECTION
AGENCY'S INTENT TO ISSUE NEW RULES CONCERNING COAL ASH

COMMENTS:

**PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT,
UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.**

**RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT,
ROOM 85, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500
FAX A COPY OF RESPONSE TO: (202) 456-5881**

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND
TRACKING WORKSHEET**



DATE RECEIVED: January 11, 2010

CASE ID: 1023208

NAME OF CORRESPONDENT: THE HONORABLE EVAN BAYH

SUBJECT: EXPRESSES CONCERN ABOUT THE ENVIRONMENTAL PROTECTION AGENCY'S INTENT TO ISSUE NEW RULES CONCERNING COAL ASH

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION	
LEGISLATIVE AFFAIRS	PHIL SCHILIRO	ORG	01/12/2010		

ACTION COMMENTS:

✓ *EPA*

R 1/21/00

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS: 26 ADDL SIGNEES

MEDIA TYPE: LETTER

USER CODE:

ACTION CODES		DISPOSITION	
A = APPROPRIATE ACTION B = RESEARCH AND REPORT BACK D = DRAFT RESPONSE I = INFO COPY/NO ACT NECESSARY R = DIRECT REPLY W/ COPY ORG = ORIGINATING OFFICE	TYPE RESPONSE	DISPOSITION CODES	COMPLETED DATE
	INITIALS OF SIGNER (W.H. STAFF) NRN = NO RESPONSE NEEDED OTBE = OVERTAKEN BY EVENTS		DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)
		A = ANSWERED OR ACKNOWLEDGED C = CLOSED X = INTERIM REPLY	

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES
REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202)-456-2590
SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT ROOM 85, EEOB.

**Scanned By
ORM**

United States Senate

WASHINGTON, DC 20510

1023208

December 23, 2009

President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President:

The U.S. Environmental Protection Agency (EPA) has indicated its intent to issue new rules in the near future that could have far-reaching impacts on U.S. jobs and the rates consumers pay for electricity. Sometime in the next few months, EPA is expected to recommend whether coal ash—a byproduct of using coal to generate electricity—should be regulated as “hazardous” or “non-hazardous” waste.

The agency appears to be leaning in the wrong direction—toward a recommendation that coal ash be handled as a hazardous material. This would pull the rug out from under the many U.S. businesses that rely on coal combustion material—about 45 percent of which is reused or recycled in a variety of everyday applications—and force unnecessarily high costs on utilities and their customers. This is the wrong way to go, particularly as the nation is just now beginning to pull itself out of an economic nose dive.

In 2000, after a thorough examination of the characteristics of coal combustion materials, the Clinton administration determined that coal ash should not be managed as a hazardous substance. Nearly a decade later, there is tremendous support for adhering to that determination. Dozens of state policymakers, including groups like the National Governors Association and the Environmental Council of the States, along with numerous state environmental protection agencies, also oppose hazardous waste regulation. More than three dozen industry groups and individual companies—those whose businesses rely on coal combustion products—have made it clear that hazardous waste regulation is unnecessary and would have a devastating impact on the many beneficial uses of coal ash.

But many of these organizations, along with the nation’s utilities, support federal regulation of coal ash as a non-hazardous waste. This approach would establish uniform management practices and protect public health and the environment, while maintaining the many beneficial uses of coal combustion products.

Last year, approximately 45 percent of the coal combustion products produced by utilities were recycled through a wide range of industrial, manufacturing and agricultural applications: to make concrete, to strengthen road beds, to use as roofing material, to stabilize waste, to manufacture wall board, and to add as a soil additive for agricultural purposes.

President Barack Obama
Page 2 of 2

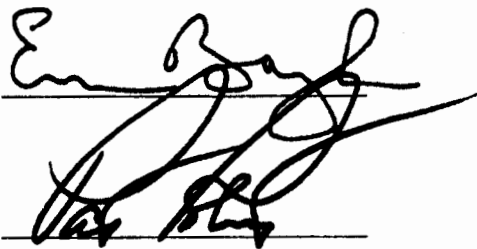
The annual value to the U.S. economy of coal ash recycling is estimated to be as high as \$8 billion. If coal ash is designated hazardous in any manner, businesses may be forced to end recycling options and may shut down operations.

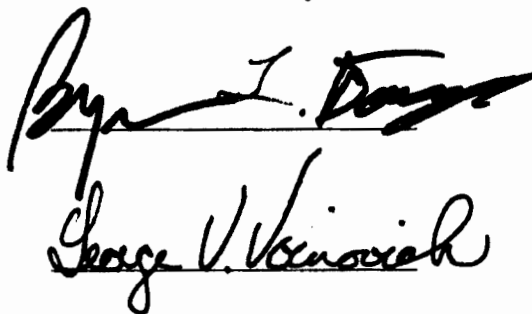
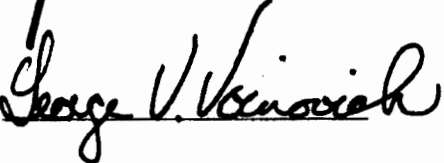
With a de facto moratorium on recycling, utilities would be required to alter and build additional facilities to manage the increased volume of ash. This would dramatically increase power plants' operating costs, which would be passed on to customers. Price increases likely would be most acute in the industrial heartland and other parts of the country where coal is the predominant source of electric generation. Many of these areas already are stressed from the recession and job losses.

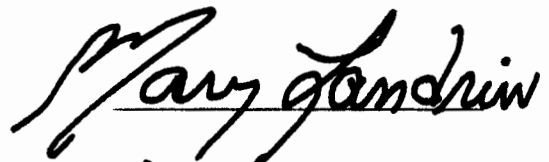

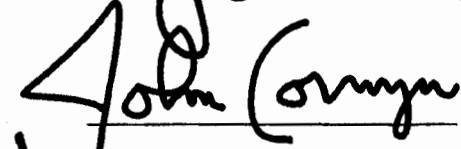

In light of the ash spill disaster at the Tennessee Valley Authority's Kingston facility, we certainly understand the EPA raising concerns about the handling and storage of coal combustion by-products. We believe that appropriate precautions should be taken by all responsible operators, that parties who have violated regulations should be held accountable, and that the public health and welfare should be protected.

However, the electric power sector is one of the most heavily regulated industries in the United States. Each regulation comes with a cost, and in most cases those costs are simply a necessary part of doing business. In this instance, however, the EPA needs to heed the recommendations of state policymakers and environmental officials, and the businesses that rely on coal ash and regulate coal ash as a non-hazardous material. Any change to this designation could prove hazardous to U.S. businesses and jobs, could result in sharply higher electricity prices for many consumers in these difficult economic times, and could result in fewer reductions of greenhouse gases through recycling outlets.

Sincerely,


Eric Lipton


Ryan L. Dwyer

George V. Venarich


Mary Gaudin

Kristine

John Cornyn

Kent Conrad

Sam F. Emanuel

Care McCasill

to Benjamin Nelson

Robert J. Gendron

Paul Cushman

Sally Chaudhri

Jan E. Rinal

John Thorne

Jim Webb

Robert J. Gendron

Lamar Alexander

Blanche L. Lincoln

John Barrasso

Jo Test

Jim Bunning

Mark R. Warner

Samuel W. Alito

Jeff Bond

Justin J. Sizemore

Evan Bayh
Pat Roberts
Byron Dorgan
George Voinovich
Mary Landrieu
Roger Wicker
John Cornyn
Sam Brownback
Claire McCaskill
E. Benjiman Nelson
Robert F. Bennett
Thad Cochran
Saxby Chambliss
James Risch
John Thune
Jim Webb
Richard Burr
Lamar Alexander
Blanche Lambert Lincoln
John Barrasso
Jon Tester
Jim Bunning
Mark Warner
Kit Bond
James Inhofe



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 22 2010

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Jim Webb
United States Senate
Washington, D.C. 20510

Dear Senator Webb:

Thank you for your letter of December 23, 2009, to President Barack Obama, expressing your interest in the pending rulemaking governing the management of coal combustion residuals.

EPA is evaluating the issues you raised as part of our rulemaking process on the management of coal combustion residuals. EPA expects to issue the proposal in the near future. We appreciate your interest and input. We will consider your comments and include them in the docket for this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink that reads "Matty Stanislaus". The signature is written in a cursive, slightly slanted style.

Matty Stanislaus
Assistant Administrator

09-000-9286

United States Senate
WASHINGTON, DC 20510

June 5, 2009

The Honorable Lisa Jackson
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Jackson:

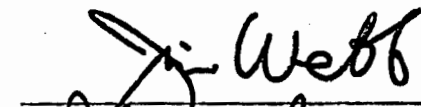
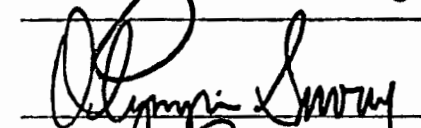
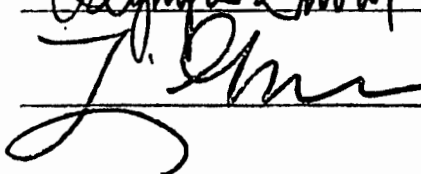
We are writing in response to the Environmental Protection Agency's (EPA) consideration of a proposal to increase the ethanol blend level in gasoline beyond the current 10 percent. We urge you to ensure that independent and comprehensive testing has been completed prior to approving any waiver from current EPA guidance as required under the Clean Air Act.


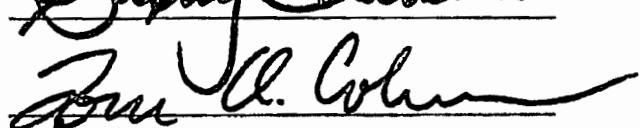
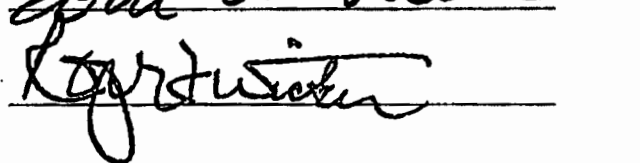
Some have advocated that Congress or the EPA approve mid-level ethanol blends before comprehensive testing has been completed by qualified and independent testing bodies, and all relevant federal agencies. While we strongly support the use of renewable fuels, it is our understanding that to date only preliminary assessments have been conducted relative to long-term durability, tailpipe emissions, evaporative emissions, drivability, materials compatibility, emissions inventory and on-board diagnostic integrity. Any waiver to increase the ethanol blend level must be based upon more complete testing.

In addition to potential technical, consumer protection and air quality issues that have not been adequately studied, we believe that this could potentially have negative consequences for many Americans in these challenging economic times. We feel strongly that any proposal to increase ethanol levels must be subjected to a complete assessment of what such an increase might do to the economy and the feedstock markets generally that our livestock and poultry producers rely on every day. We urge you to assess more thoroughly the potential impacts of increasing the ethanol blend before any changes are made.

We thank you for your attention to this matter.

Sincerely,

Kay R. Hagan	Susan M. Collins
Chris Z. Benner	Blanche L. Lincoln
Mark Royce	Mary Gandy
John Cornyn	Shirley
Don Vitter	Baucus
Mark R. Warner	Jim Cooper
Rob Portman	Richard Shelby
Tom Vilsack	

cc: The Honorable Steven Chu, Secretary, U.S. Department of Energy
The Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture
The Honorable Carol Browner, Assistant to the President for Energy and Climate Change



U.S. SENATOR JIM WEBB
FAX COVER SHEET

TO: Lisa Jackson

FROM: Senator Jim Webb

FAX: (202) 501-1519

NUMBER OF PAGES IN TOTAL: 2

COMMENTS:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 20 2009

OFFICE OF
AIR AND RADIATION

The Honorable Jim Webb
United States Senate
Washington, D.C. 20510

Dear Senator Webb:

Thank you for your June 5, 2009, letter to Administrator Jackson, co-signed by 20 of your colleagues, concerning a pending Clean Air Act (Act) waiver request to increase the allowable ethanol content of gasoline from 10 to 15 percent by volume. Your letter expresses concerns about the potential adverse impact mid-level ethanol blends might have on engines, and urges the U.S. Environmental Protection Agency (EPA) to ensure independent and comprehensive testing is complete before making a waiver decision. You also discuss potential negative consequences for consumers in challenging economic times and request that we carefully assess the impact of increasing ethanol blend levels on our economy and on feedstock markets.

As you know, EPA is carefully considering the waiver request we received from Growth Energy on March 6, 2009. A notice of its receipt and request for public comment was published in the Federal Register on April 21, 2009, and the comment period will remain open until July 20. We will place your comments in the public docket.

The issues raised by the waiver request are very important and complex. The criteria in the Clean Air Act for evaluating a waiver request are very specific. The Act only requires that the waiver applicant demonstrate that the ethanol increase will not cause or contribute to the failure of vehicles or engines to meet emission standards.

While we are not able to directly consider economic impacts as factors in the waiver decision, these impacts are nonetheless important. Therefore EPA is working closely with the U.S. Department of Energy (DOE) and the U.S. Department of Agriculture (USDA) to analyze economic issues and other impacts as part of our renewable fuels standard rulemaking effort. The proposed rule is currently open for public comment.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3668.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, sweeping flourish at the end.

Gina McCarthy
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

09-001-7074

NOV 02 2009

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

The Honorable Jim Webb
United States Senate
Washington, D.C. 20510

Dear Senator Webb:

The Environmental Protection Agency's (EPA) Superfund program will be finalizing the Peck Iron and Metal site, located in Portsmouth, Virginia, to the National Priorities List (NPL) by rulemaking. EPA has received a Governor/State concurrence letter supporting the listing of the site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your State, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Carolyn Levine, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859. We expect the rule to be published in the Federal Register in the next several days.

Sincerely,

Mathy Stanislaus
Assistant Administrator

Enclosures

NATIONAL PRIORITIES LIST (NPL)

Final Site

November 2009

PECK IRON AND METAL | Portsmouth, Virginia

Site Location:

The former Peck Iron and Metal facility (Peck Iron) is located at 3850 Elm Avenue in Portsmouth, Virginia.

Site History:

From 1945 to 1999, Peck Iron purchased, processed, stored, and shipped metal scrap from various military bases; other Federal, state, and local government agencies; and local businesses. Scrap metal handled at the facility included damaged and obsolete equipment, attachments, parts, and other miscellaneous materials, including scrapped naval vessels. Some of these scrap materials contained cadmium (automobile parts), polychlorinated biphenyls (PCB) (insulated wire, gaskets, fluorescent lights and transformer oils) and lead (scrapped bridge sections and automobile batteries). PCB-containing transformers were disassembled at the facility and the wires were burned to remove insulation.

Site Contamination/Contaminants:

The primary contaminants are PCBs and lead.

Potential Impacts on Surrounding Community/Environment:

PCBs and lead have been detected in a wetland on the southwest border of facility and the bank of Paradise Creek. Paradise Creek, a tidal estuary of the lower Chesapeake Bay, is a human food chain fishery and is used for recreation activities, including swimming, boating, crabbing and fishing.

Response Activities (to date):

Between approximately 2004 and 2007, the current owner of the facility conducted a study to determine the extent of the contamination on the facility and in the Paradise Creek wetland.

Need for NPL Listing:

Other federal and state cleanup programs were evaluated but were not viable at this time. EPA received a letter of support for placing this site on the NPL from the Commonwealth of Virginia.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at <http://www.atsdr.cdc.gov/toxfaq.html> or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. Scores at least 28.50:

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. State Pick:

Each state and territory may designate one top-priority site regardless of score.

3. ATSDR Health Advisory:

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit www.regulations.gov.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

JIM WEBB

VIRGINIA

COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
FOREIGN RELATIONS

COMMITTEE ON
VETERANS' AFFAIRS

JOINT ECONOMIC COMMITTEE

AL-10-001-8333

WASHINGTON OFFICE:

WASHINGTON, DC 20510
(202) 224-4024

United States Senate

WASHINGTON, DC 20510-4605

October 26, 2010

Ms. Joyce Frank
Executive Director
Environmental Protection Agency
1200 Pennsylvania Avenue
Room 3426 ARN
Washington, DC 20460-0002

Dear Ms. Frank:

Enclosed is correspondence from my constituent in reference to a matter involving your agency.

Please give this letter every appropriate consideration and review my constituent's case in accordance with all rules, regulations and laws applicable to your agency. Your immediate attention and expeditious assistance would be greatly appreciated.

Please reply to my Norton office. In your reply, please reference Mark S. Hollyfield.

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,



Jim Webb
United States Senator

JW: gd
Enclosure

PO Box 1300
Norton, Virginia 24273
(276) 679-4925
Fax (276) 679-4929
gwyn_dutton@webb.senate.gov

Caynor Smith
Chairman

Clifton Carson
Huck Hunnicutt
Larry Salyer
Jack Wallace
Mike Wright

C-N-W
Coeburn - Norton - Wise
REGIONAL WASTE WATER
TREATMENT AUTHORITY

October 25, 2010

819 Virginia Avenue N.W.
P. O. Box 1296
Norton, Virginia 24273-0922
(276) 679-7236
Fax (276) 679-2401

Mark S. Hollyfield
Executive Director

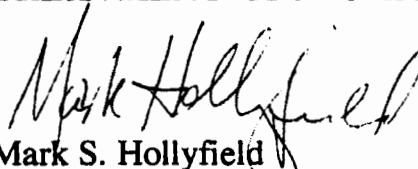
United States Environmental Protection Agency
Lisa Jackson, Administrator
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

RE: Risk Management Plan EPA Facility ID: 1000 0017 1459

On behalf of the Coeburn-Norton-Wise Regional Waste Water Treatment Authority (C-N-W) and reserving all rights, I hereby certify that the revisions to the facility's Risk Management Plan are correct to the best of my knowledge and belief. A copy of the Risk Management Plan as entered on your website is enclosed as well as documentation of our fruitless efforts over the past several months to certify the document on-line.

Sincerely,
**COEBURN-NORTON-WISE
REGIONAL WASTE WATER
TREATMENT AUTHORITY**


Mark S. Hollyfield
Executive Director

Copy to: Rick Boucher, U.S. House of Representatives, Virginia
Mark R. Warner, U.S. Senate, Virginia
Jim Webb, U.S. Senate, Virginia

Subject: Risk Management Plan (RMP) submission waiting for certification

Date: Friday, October 22, 2010 1:48 PM

From: EPA CDX <helpdesk@epacdx.net>

To: <c-n-w@verizon.net>

Cc: <c-n-w@verizon.net>

Conversation: Risk Management Plan (RMP) submission waiting for certification

The individual listed below has prepared a Risk Management Plan (RMP) submission for the facility shown below and has identified you as the certifying official. Please log in to EPA's Central Data Exchange (CDX) and select, review and certify the RMP submission. (To cancel this submission, follow the link and click Cancel). CDX will not send this submission to EPA until you have certified it.

If you have not registered as a certifier for this facility, you may do so by logging into CDX, clicking on the "RMP*Submit: Certify Submission" link, and following the instructions provided. As part of the Registration process, you will need to create an Electronic Signature Agreement (ESA). Complete the ESA, sign and mail it to the RMP Reporting Center. This needs to be signed and returned before you will be able to prepare, certify submissions and the process is estimated to take a minimum of 5 business days.

If you require assistance please call the CDX Help Desk toll free at 888-890-1995. You may also view tutorials relating to registration and certification at <http://www.epa.gov/emergencies/content/rmp/index.htm>

Please use the link below to log in to the Central Data Exchange, If the following URL is not a hyperlink, please cut and paste the address into your Internet browser.
<http://cdx.epa.gov/>

Reference Transaction ID: _22594fe0-f4bc-43be-b503-552b222c98b1

Document Name: RMP000120100831145622CNWDIRECTOR

Prepared by: Mark Hollyfield (CNWDIRECTOR)

Date Prepared: 8/31/2010

EPA Facility ID: 1000 0017 1459

Facility: C-N-W Regional Wastewater Treatment Authority
11550 Pine Camp Road
State Route 699
Coeburn VA, 24230

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1 Risk Management Plan (RMP) submission waiting for certification - Message

From: RMP's Submit
Subject: Risk Management Plan (RMP) submission waiting for certification
Date: Fri 10/22/2010 1:48 PM

The individual listed below has prepared a Risk Management Plan (RMP) submission for the facility shown below and has identified you as the certifying official. Please log in to EPA's Central Data Exchange (CDX) and select, review and certify the RMP submission. (To cancel this submission, follow the link and click Cancel). CDX will not send this submission to EPA until you have certified it.

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Please use the link below to log in to the Central Data Exchange, if the following URL is not a hyperlink, please cut and paste the address into your internet browser.
<http://cdx.epa.gov/>

Reference Transaction ID: _22594fe0-44bc-43be-b503-552b222c98b1
Document Name: RMP000120100831145622CNWDIRECTOR
Prepared by: Mark Hollyfield (CNWDIRECTOR)
Date Prepared: 8/31/2010

EPA Facility ID: 1000 0017 1459

Facility: C-N-W Regional Wastewater Treatment Authority
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[Risk Management Plan \(RMP\) submission waiting for certification - Message](#)

From: RMP'sSubmit
Subject: Risk Management Plan (RMP) submission waiting for certification
Date: Fri 10/22/2010 1:48 PM

The individual listed below has prepared a Risk Management Plan (RMP) submission for the facility shown below and has identified you as the certifying official. Please log in to EPA's Central Data Exchange (CDX) and select, review and certify the RMP submission. (To cancel this submission, follow the link and click Cancel). CDX will not send this submission to EPA until you have certified it.

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Please use the link below to log in to the Central Data Exchange, if the following URL is not a hyperlink, please cut and paste the address into your internet browser.
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Reference Transaction ID: _22594fe0-14be-43be-b503-652b222c98b1
Document Name: RMP000120100831145822CNWDIRECTOR
Prepared by: Mark Hollyfield (CNWDIRECTOR)
Date Prepared: 8/31/2010

EPA Facility ID: 1000 0017 1459

Facility: C-N-W Regional Wastewater Treatment Authority
11550 Pine Camp Road
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Here is a list of RMP submissions that have been prepared for you to certify and send to EPA. Please review the information in these submissions, by clicking a File ID link, and certify the submissions.

Submitter	Facility ID	CDX ID/File ID	
Mark Hollyfield (CNWDIRECTOR)	C-N-W Regional Wastewater Treatment Authority (1000 0017 1459)	RMP000120100831145822CNWDIRECTOR	Certify Reject

Non-Pending Submissions

Here is a list of RMP submissions that have been acted on by you. Click a File ID link to see the PDF of the submission. Click a Status link to see the receipt page of a submission.

Submitter	Facility ID	CDX ID/File ID	Status
Mark Hollyfield (CNWDIRECTOR)	C-N-W Regional Wastewater Treatment Authority (1000 0017 1459)	RMP000120100831145822CNWDIRECTOR	Rejected (for test purposes)

Facilities

Your CDX account is associated with one or more Facilities IDs:

Facility ID	Facility Name	View Currently Approved RMP
1000 0017 1459	C-N-W Regional Wastewater Treatment Authority	View Current RMP

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Last updated on October 18, 2010.

URL: <https://cdx.epa.gov/ssi/RMPeSubmit/Certify/List.aspx>



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EPA Facility ID: 100000171459

C-N-W Regional Wastewater Treatment Authority

Transaction 1
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Your RMP submitted for certification failed due to an application internal error. Please contact the CDX Help Desk and provide the following information.

Facility ID	100000171459
Facility Name	C-N-W Regional Wastewater Treatment Authority
Submission Type	Resubmission
Reference Transaction ID	
Document Name	RMP000120101013150355CMWDIRECTOR.zip
User ID	CMWDIRECTOR
Submit Date	10/13/2010 15:08:00

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[Risk Management Plan \(RMP\) submission has been REJECTED - Message](#)

From: RMP*Submit
Subject: Risk Management Plan (RMP) submission has been REJECTED
Date: Wed 10/13/2010 2:22 PM

Your Risk Management Plan (RMP) submission has been REJECTED for the facility shown below. Thus, this submission has NOT been sent to U.S. EPA. If you determine that your facility is required to submit a RMP, you may use RMP*Submit again, correct the problem that caused you to reject this submission, and try resending this submission to U.S. EPA again.

Reference Transaction ID: _feb4de08-aa83-4e12-8abc-08a361c5d8ef
Document Name: RMP000120100831145622CNWDIRECTOR
Prepared by: Mark Hollyfield (CNWDIRECTOR)
Date Prepared: 8/31/2010
Date Rejected: 10/13/2010
EPA Facility ID: 1000 0017 1459

Facility: C-N-W Regional Wastewater Treatment Authority
11550 Pine Camp Road
State Route 699
Coeburn VA, 24230
Reason for Rejection: for test purposes

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The submission has been REJECTED.

Status	Date	Time
<input checked="" type="checkbox"/> Prepared	8/31/2010	2:56:22 PM
<input type="checkbox"/> Certified		
<input checked="" type="checkbox"/> Rejected	10/13/2010	2:22:31 PM

Reference number: RMP000120100831145622CNWDIRECTOR
Preparer: Mark Hollyfield (CNWDIRECTOR)
Certifying Official: Mark Hollyfield (CNWDIRECTOR)

Facility ID: 100000171459
C-N-W Regional Wastewater Treatment Authority
Facility: 11550 Pine Camp Road
State Route 699
Coeburn, VA 24230

Transaction ID: _feb4de09-aa93-4e12-8abc-08a361c5d6ef

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Last updated on October 18, 2010.
URL: https://cdx.epa.gov/rsi/RMPeSubmit/Certify/Receipt.aspx?list&transactionId=_feb4de09-aa93-4e12-8abc-08a361c5d6ef

Subject: Risk Management Plan (RMP) submission waiting for certification

Date: Wednesday, September 1, 2010 8:30 AM

From: EPA CDX <helpdesk@epacdx.net>

To: <c-n-w@verizon.net>

Cc: <c-n-w@verizon.net>

Conversation: Risk Management Plan (RMP) submission waiting for certification

The individual listed below has prepared a Risk Management Plan (RMP) submission for the facility shown below and has identified you as the certifying official. Please log in to EPA's Central Data Exchange (CDX) and select, review and certify the RMP submission. (To cancel this submission, follow the link and click Cancel). CDX will not send this submission to EPA until you have certified it.

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If you require assistance please call the CDX Help Desk toll free at 888-890-1995. You may also view tutorials relating to registration and certification at <http://www.epa.gov/emergencies/content/rmp/index.htm>

Please use the link below to log in to the Central Data Exchange, If the following URL is not a hyperlink, please cut and paste the address into your Internet browser.
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Reference Transaction ID: _feb4de09-aa93-4e12-8abc-08a361c5d6ef
Document Name: RMP000120100831145622CNWDIRECTOR
Prepared by: Mark Hollyfield (CNWDIRECTOR)
Date Prepared: 8/31/2010

EPA Facility ID: 1000 0017 1459

Facility: C-N-W Regional Wastewater Treatment Authority
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Risk Management Plan (RMP) submission waiting for certification - Message

From: RMP*eSubmit
Subject: Risk Management Plan (RMP) submission waiting for certification
Date: Wed 9/1/2010 8:30 AM

The individual listed below has prepared a Risk Management Plan (RMP) submission for the facility shown below and has identified you as the certifying official. Please log in to EPA's Central Data Exchange (CDX) and select, review and certify the RMP submission. (To cancel this submission, follow the link and click Cancel). CDX will not send this submission to EPA until you have certified it.

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If you require assistance please call the CDX Help Desk toll free at 888-890-1995. You may also view [information](http://www.epa.gov/emergencies/content/rmp/index.htm) relating to registration and certification at <http://www.epa.gov/emergencies/content/rmp/index.htm>

Please use the link below to log in to the Central Data Exchange, if the following URL is not a hyperlink, please cut and paste the address into your Internet browser:
<http://cdx.epa.gov/>

Reference Transaction ID: _feb4de09-aa93-4e12-8abc-08a361c5d6ef
Document Name: RMP000120100831145622CNWDIRECTOR
Prepared by: Mark Hollyfield (CNWDIRECTOR)
Date Prepared: 8/31/2010

EPA Facility ID: 1000 0017 1459

Facility: C-N-W Regional Wastewater Treatment Authority
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Logged in as: CNWDIRECTOR

100000171459 ~~C-N-W~~ Regional Wastewater Treatment Authority

Transaction Type: Resubmission

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Thank you for using RMP*eSubmit. Your RMP is submitted for certification. Shortly, an e-mail will be sent to your Certifier's mailbox that your RMP is ready for certification.

Facility ID	100000171459
Facility Name	C-N-W Regional Wastewater Treatment Authority
Submission Type	Resubmission
Reference Transaction ID	_feb4de09-aa93-4e12-8abc-08a361c5d6ef
Document Name	RMP000120100901083010CNWDIRECTOR.zip
User ID	CNWDIRECTOR
Submit Date	09/01/2010 08:30:13

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Section 1. Registration Information

Reason for Resubmission	5-year update (40 CFR 68.190(b)(1))
1.1 Source Identification	
1.1.a. Facility Name	C-N-W Regional Wastewater Treatment Authority
1.1.b. Parent Company #1 Name	C-N-W Regional Wastewater Treatment Authority
1.1.c. Parent Company #2 Name	
1.2 EPA Facility Identifier	100000171459
1.3 Other EPA Systems Facility Identifier	
1.4 Dun and Bradstreet Numbers (DUNS)	
1.4.a. Facility DUNS	
1.4.b. Parent Company #1 DUNS	
1.4.c. Parent Company #2 DUNS	
1.5 Facility Location	
1.5.a. Street - Line 1	11550 Pine Camp Road
1.5.b. Street - Line 2	State Route 699
1.5.c. City	Coeburn
1.5.d. State	VA
1.5.e. Zip Code - Zip +4 Code	24230
1.5.f. County	WISE
1.5.g. Facility Latitude (in decimal degrees)	36.926944
1.5.h. Facility Longitude (in decimal degrees)	-082.471111
1.5.i. Method for determining Lat/Long	Classical Surveying Techniques
1.5.j. Description of location identified by Lat/Long	Administrative Building
1.5.k. Horizontal Accuracy Measure (meters)	1
1.5.l. Horizontal Reference Datum Code	North American Datum of 1927
1.5.m. Source Map Scale Number	
1.6 Owner or Operator	
1.6.a. Name	C-N-W Regional Waste Water Auth.
1.6.b. Phone	(276) 679-7236
1.6.c. Street - Line 1	819 Virginia Avenue north west
1.6.d. Street - Line 2	
1.6.e. City	Norton
1.6.f. State	VA
1.6.g. Zip Code - Zip +4 Code	24273
Foreign Country	
Foreign State/Province	
Foreign Zip/Postal Code	
1.7 Name, title and email address of person or position responsible for RMP (part 68) implementation	
1.7.a. Name of person	James Dayton Stidham
1.7.b. Title of person or position	Superintendent
1.7.c. Email address of person or position	cnrwwtp@verizon.net



Section 1. Registration Information

1.8 Emergency Contact	
1.8.a. Name	James Dayton Stidham
1.8.b. Title of person or position	Superintendent
1.8.c. Phone	(276) 395-5302
1.8.d. 24-Hour Phone	(276) 395-5302
1.8.e. 24-Hour Phone Extension/PIN #	
1.8.f. Email address for emergency contact	cnwrwwtp@verizon.net
1.9 Other Points of Contact	
1.9.a. Facility or Parent Company E-mail Address	
1.9.b. Facility Public Contact Phone Number	
1.9.c. Facility or Parent Company WWW Homepage Address	
1.10 Local Emergency Planning Committee (LEPC)	
1.11 Number of full-time equivalent (FTEs) employees of site	8
1.12 Covered by	
1.12.a. OSHA PSM	Yes
1.12.b. EPCRA section 302	
1.12.c. CAA Title V Air Operating Permit Program	Yes
1.12.d. Air Operating Permit ID #	
1.13 OSHA Star or Merit Ranking	
1.14 Last Safety Inspection (by an External Agency) Date	04/28/2005
1.15 Last Safety Inspection Performed by an External Agency	Virginia Municipal League Insurance Pool
1.16 Will this RMP involve Predictive Filing?	
1.18 RMP Preparer Information	
1.18.a. Name	
1.18.b. Phone	
1.18.c. Street - Line 1	
1.18.d. Street - Line 2	
1.18.e. City	
1.18.f. State	
1.18.g. Zip	
Foreign Country	
Foreign State/Province	
Foreign Zip Code	



Section 1. Registration Information

Section 1.17 Process Specific Information

Process 1

Process ID #	1000019633		
Process Description	waste water treatment		
1.17.a. Program Level	3		
1.17.b. NAICS Code(s)	22132 (Sewage Treatment Facilities)		
1.17.c. Chemical(s)			
	Chemical Name	CAS Number	Quantity
	Chlorine	7782-50-5	4000



Section 1. Registration Information

Section 1.17 Process Specific Information

Process 2

Process ID #	1000019634		
Process Description	waste water treatment		
1.17.a. Program Level	3		
1.17.b. NAICS Code(s)	22132 (Sewage Treatment Facilities)		
1.17.c. Chemical(s)			
	Chemical Name	CAS Number	Quantity
	Chlorine	7782-50-5	4000



Section 2. Toxics: Worst Case

Scenario 1

Process Name	waste water treatment
2.1 Chemical	
2.1.a. Name	Chlorine
2.1.b. Percent Weight of Chemical	
2.2 Physical State	Gas liquified by pressure
2.3 Model Used	EPA's RMP Guidance for Waste Water Treatment Plants Reference Tables or Equations
2.4 Scenario	Liquid spill and vaporization
2.5 Quantity Released (lbs)	2000
2.6 Release Rate (lbs/min)	200
2.7 Release Duration (mins)	10
2.8 Wind Speed (meters/sec)	1.5
2.9 Atmospheric stability class	F
2.10 Topography	Rural
2.11 Distance to endpoint (miles)	3
2.12 Estimated residential population within distance to endpoint (numbers)	6000
2.13 Public receptors within distance to endpoint	
2.13.a. Schools	Y
2.13.b. Residences	Y
2.13.c. Hospitals	
2.13.d. Prison/Correctional Facilities	
2.13.e. Recreational Areas	Y
2.13.f. Major commercial, office or industrial areas	
2.13.g. Other	
2.14 Environmental receptors within distance to endpoint	
2.14.a. National or State Parks, Forests or Monuments	Y
2.14.b. Officially Designated Wildlife Sanctuaries, Preserves or Refuges	
2.14.c. Federal Wilderness Area	
2.14.d. Other	
2.15 Passive mitigation considered	
2.15.a. Dikes	
2.15.b. Enclosures	
2.15.c. Berms	
2.15.d. Drains	
2.15.e. Sumps	
2.15.f. Other	
2.16 Graphics file	



Section 3. Toxics: Alternative Release

Scenario 1

Process Name	waste water treatment
3.1 Chemical	
3.1.a. Name	Chlorine
3.1.b. Percent Weight of Chemical	
3.2 Physical State	Gas liquified by refrigeration
3.3 Model Used	EPA's OCA Guidance Reference Tables or Equations
3.4 Scenario	Vessel leak
3.5 Quantity Released (lbs)	3150
3.6 Release Rate (lbs/min)	3150
3.7 Release Duration (mins)	1
3.8 Wind Speed (meters/sec)	3
3.9 Atmospheric stability class	D
3.10 Topography	Rural
3.11 Distance to endpoint (miles)	1.6
3.12 Estimated residential population within distance to endpoint (numbers)	3000
3.13 Public receptors within distance to endpoint	
3.13.a. Schools	
3.13.b. Residences	Y
3.13.c. Hospitals	
3.13.d. Prison/Correctional Facilities	
3.13.e. Recreational Areas	
3.13.f. Major commercial, office or industrial areas	
3.13.g. Other	
3.14 Environmental receptors within distance to endpoint	
3.14.a. National or State Parks, Forests or Monuments	Y
3.14.b. Officially Designated Wildlife Sanctuaries, Preserves or Refuges	
3.14.c. Federal Wilderness Area	
3.14.d. Other	
3.15 Passive mitigation considered	
3.15.a. Dikes	
3.15.b. Enclosures	Y
3.15.c. Berms	
3.15.d. Drains	
3.15.e. Sumps	
3.15.f. Other	
3.16 Active mitigation considered	
3.16.a. Sprinkler systems	
3.16.b. Deluge systems	
3.16.c. Water curtain	
3.16.d. Neutralization	
3.16.e. Excess flow valve	
3.16.f. Flares	



Section 3. Toxics: Alternative Release

3.16.g. Scrubbers	
3.16.h. Emergency shutdown systems	
3.16.i. Other	
3.17 Graphics file	



Section 7. Prevention Program: Program Level 3

Program 1

Prevention Program Description		The Coeburn-Norton-Wise Regional Wastewater Treatment Plant (C-N-W RWWTP) utilizes an aggressive preventive maintenance program to insure that all plant equipment, particularly the chlorination system, is in optimum condition. All equipment is inspected regularly, maintenance is performed per the operation and maintenance manual and manufacturer documentation, and logged in the plant's records.
7.1 NAICS Code for process		
7.1.a. Process Name		1000019634 (waste water treatment)
7.1.b. NAICS		22132 (Sewage Treatment Facilities)
7.2 Chemicals		
Chlorine		
7.3 Date on which the safety information was last reviewed or revised		04/21/2010
7.4 Process Hazard Analysis (PHA)		
7.4.a. Date of last PHA or PHA update		04/21/2010
7.4.b. Technique used		
7.4.b.1. What if		Y
7.4.b.2. Checklist		
7.4.b.3. What if/Checklist Combined		
7.4.b.4. HAZOP		
7.4.b.5. Failure mode & effects analysis		
7.4.b.6. Fault tree analysis		
7.4.b.7. Other		
7.4.c. Expected or actual date of completion of all changes resulting from last PHA or PHA update		04/21/2010
7.4.d. Major hazards identified		
7.4.d.1. Toxic release		Y
7.4.d.2. Fire		
7.4.d.3. Explosion		
7.4.d.4. Runaway reaction		
7.4.d.5. Polymerization		
7.4.d.6. Overpressurization		
7.4.d.7. Corrosion		
7.4.d.8. Overfilling		
7.4.d.9. Contamination		
7.4.d.10. Equipment failure		Y
7.4.d.11. Loss of cooling, heating, electricity, instrument air		
7.4.d.12. Earthquake		
7.4.d.13. Floods		
7.4.d.14. Tornado		
7.4.d.15. Hurricanes		
7.4.d.16. Other		



Section 7. Prevention Program: Program Level 3

7.4.e. Process controls in use	
7.4.e.1. Vents	Y
7.4.e.2. Relief valves	Y
7.4.e.3. Check valves	Y
7.4.e.4. Scrubbers	
7.4.e.5. Flares	
7.4.e.6. Manual shutoffs	
7.4.e.7. Automatic shutoffs	Y
7.4.e.8. Interlocks	
7.4.e.9. Alarms and procedures	Y
7.4.e.10. Keyed bypass	
7.4.e.11. Emergency air supply	Y
7.4.e.12. Emergency power	
7.4.e.13. Backup pump	
7.4.e.14. Grounding equipment	
7.4.e.15. Inhibitor additions	
7.4.e.16. Rupture disks	
7.4.e.17. Excess flow device	
7.4.e.18. Quench system	
7.4.e.19. Purge system	
7.4.e.20. None	
7.4.e.21. Other	
7.4.f. Mitigation systems in use	
7.4.f.1. Sprinkler system	
7.4.f.2. Dikes	
7.4.f.3. Fire walls	
7.4.f.4. Blast walls	
7.4.f.5. Deluge system	
7.4.f.6. Water curtain	
7.4.f.7. Enclosure	Y
7.4.f.8. Neutralization	
7.4.f.9. None	
7.4.f.10. Other	
7.4.g. Monitoring/detection systems in use	
7.4.g.1. Process area detectors	Y
7.4.g.2. Perimeter monitors	
7.4.g.3. None	
7.4.g.4. Other	
7.4.h. Changes since last PHA update	
7.4.h.1. Reduction in chemical inventory	
7.4.h.2. Increase in chemical inventory	
7.4.h.3. Change in process parameters	
7.4.h.4. Installation of process controls	
7.4.h.5. Installation of process detection systems	
7.4.h.6. Installation of perimeter monitoring systems	
7.4.h.7. Installation of mitigation systems	



Section 7. Prevention Program: Program Level 3

7.4.h.8. None recommended	Y
7.4.h.9. None	
7.4.h.10. Other	
7.5 Date of most recent review or revision of operating procedures	04/21/2010
7.6 Training	
7.6.a. Date of most recent review or revision of training programs	04/21/2010
7.6.b. Type of training provided	
7.6.b.1. Classroom	Y
7.6.b.2. On the job	Y
7.6.b.3. Other	
7.6.c. Type of competency testing used	
7.6.c.1. Written test	Y
7.6.c.2. Oral test	
7.6.c.3. Demonstration	Y
7.6.c.4. Observation	Y
7.6.c.5. Other	
7.7 Maintenance	
7.7.a. Date of most recent review or revision of maintenance procedures	04/21/2010
7.7.b. Date of most recent equipment inspection or test	08/31/2010
7.7.c. Equipment most recently inspected or tested (equipment list)	The chlorination system is checked and inspected several times a day.
7.8 Management of change	
7.8.a. Date of most recent changes that triggered management of change procedures	
7.8.b. Date of most recent review or revision of management of change procedures	04/21/2010
7.9 Date of most recent pre-startup review	08/24/2010
7.10 Compliance audits	
7.10.a. Date of most recent compliance audits	04/21/2010
7.10.b. Expected or actual date of completion of all changes resulting from the compliance audits	04/21/2010
7.11 Incident investigation	
7.11.a. Date of most recent incident investigation	
7.11.b. Expected or actual date of completion of all changes resulting from the incident investigation	
7.12 Date of most recent review or revision of employee participation plans	04/21/2010
7.13 Date of most recent review or revision of hot work permit procedures	04/21/2010
7.14 Date of most recent review or revision of contractor safety procedures	04/21/2010
7.15 Date of most recent evaluation of contractor safety performance	04/21/2010



Section 7. Prevention Program: Program Level 3

Program 2

Prevention Program Description	
7.1 NAICS Code for process	
7.1.a. Process Name	1000019633 (waste water treatment)
7.1.b. NAICS	22132 (Sewage Treatment Facilities)
7.2 Chemicals	
Chlorine	
7.3 Date on which the safety information was last reviewed or revised	04/21/2010
7.4 Process Hazard Analysis (PHA)	
7.4.a. Date of last PHA or PHA update	04/21/2010
7.4.b. Technique used	
7.4.b.1. What if	Y
7.4.b.2. Checklist	
7.4.b.3. What if/Checklist Combined	
7.4.b.4. HAZOP	
7.4.b.5. Failure mode & effects analysis	
7.4.b.6. Fault tree analysis	
7.4.b.7. Other	
7.4.c. Expected or actual date of completion of all changes resulting from last PHA or PHA update	04/21/2010
7.4.d. Major hazards identified	
7.4.d.1. Toxic release	Y
7.4.d.2. Fire	
7.4.d.3. Explosion	
7.4.d.4. Runaway reaction	
7.4.d.5. Polymerization	
7.4.d.6. Overpressurization	
7.4.d.7. Corrosion	
7.4.d.8. Overfilling	
7.4.d.9. Contamination	
7.4.d.10. Equipment failure	Y
7.4.d.11. Loss of cooling, heating, electricity, instrument air	
7.4.d.12. Earthquake	
7.4.d.13. Floods	
7.4.d.14. Tornado	
7.4.d.15. Hurricanes	
7.4.d.16. Other	
7.4.e. Process controls in use	
7.4.e.1. Vents	Y
7.4.e.2. Relief valves	Y
7.4.e.3. Check valves	Y
7.4.e.4. Scrubbers	
7.4.e.5. Flares	
7.4.e.6. Manual shutoffs	



Section 7. Prevention Program: Program Level 3

7.4.e.7. Automatic shutoffs	Y
7.4.e.8. Interlocks	
7.4.e.9. Alarms and procedures	Y
7.4.e.10. Keyed bypass	
7.4.e.11. Emergency air supply	Y
7.4.e.12. Emergency power	
7.4.e.13. Backup pump	
7.4.e.14. Grounding equipment	
7.4.e.15. Inhibitor additions	
7.4.e.16. Rupture disks	
7.4.e.17. Excess flow device	
7.4.e.18. Quench system	
7.4.e.19. Purge system	
7.4.e.20. None	
7.4.e.21. Other	
7.4.f. Mitigation systems in use	
7.4.f.1. Sprinkler system	
7.4.f.2. Dikes	
7.4.f.3. Fire walls	
7.4.f.4. Blast walls	
7.4.f.5. Deluge system	
7.4.f.6. Water curtain	
7.4.f.7. Enclosure	Y
7.4.f.8. Neutralization	
7.4.f.9. None	
7.4.f.10. Other	
7.4.g. Monitoring/detection systems in use	
7.4.g.1. Process area detectors	Y
7.4.g.2. Perimeter monitors	
7.4.g.3. None	
7.4.g.4. Other	
7.4.h. Changes since last PHA update	
7.4.h.1. Reduction in chemical inventory	
7.4.h.2. Increase in chemical inventory	
7.4.h.3. Change in process parameters	
7.4.h.4. Installation of process controls	
7.4.h.5. Installation of process detection systems	
7.4.h.6. Installation of perimeter monitoring systems	
7.4.h.7. Installation of mitigation systems	
7.4.h.8. None recommended	Y
7.4.h.9. None	
7.4.h.10. Other	
7.5 Date of most recent review or revision of operating procedures	04/21/2010
7.6 Training	



Section 7. Prevention Program: Program Level 3

7.6.a. Date of most recent review or revision of training programs	04/21/2010
7.6.b. Type of training provided	
7.6.b.1. Classroom	Y
7.6.b.2. On the job	Y
7.6.b.3. Other	
7.6.c. Type of competency testing used	
7.6.c.1. Written test	Y
7.6.c.2. Oral test	
7.6.c.3. Demonstration	Y
7.6.c.4. Observation	
7.6.c.5. Other	
7.7 Maintenance	
7.7.a. Date of most recent review or revision of maintenance procedures	04/21/2010
7.7.b. Date of most recent equipment inspection or test	08/31/2010
7.7.c. Equipment most recently inspected or tested (equipment list)	The chlorination system is checked and inspected several times a day
7.8 Management of change	
7.8.a. Date of most recent changes that triggered management of change procedures	
7.8.b. Date of most recent review or revision of management of change procedures	04/21/2010
7.9 Date of most recent pre-startup review	
7.10 Compliance audits	
7.10.a. Date of most recent compliance audits	03/15/2008
7.10.b. Expected or actual date of completion of all changes resulting from the compliance audits	
7.11 Incident investigation	
7.11.a. Date of most recent incident investigation	
7.11.b. Expected or actual date of completion of all changes resulting from the incident investigation	
7.12 Date of most recent review or revision of employee participation plans	04/21/2010
7.13 Date of most recent review or revision of hot work permit procedures	04/21/2010
7.14 Date of most recent review or revision of contractor safety procedures	04/21/2010
7.15 Date of most recent evaluation of contractor safety performance	04/21/2010



Section 9. Emergency Response

9.1 Written emergency response (ER) plan	
9.1.a. Is your facility included in the written community emergency response plan?	Y
9.1.b. Does your facility have its own written emergency response plan?	Y
9.2 Does your facility's ER plan include specific actions to be taken in response to accidental releases of regulated substances?	Y
9.3 Does your facility's ER plan include procedures for informing the public and local agencies responding to accidental releases?	Y
9.4 Does your facility's ER plan include information on emergency health care?	Y
9.5 Date of most recent review or update of your facility's ER plan	04/21/2010
9.6 Date of most recent ER training for your facility's employees	04/21/2010
9.7 Local agency with which your facility's ER plan or response activities are coordinated	
9.7.a. Name of agency	SARA Title III LEPC for Wise county
9.7.b. Phone number	(276) 328-2321
9.8 Subject to	
9.8.a. OSHA Regulations at 29 CFR 1910.38	Y
9.8.b. OSHA Regulations at 29 CFR 1910.120	
9.8.c. Clean Water Act Regulations at 40 CFR 112	
9.8.d. RCRA Regulations at 40 CFR 264, 265, 279.52	
9.8.e. OPA-90 Regulations at 40 CFR 112, 33 CFR 154, 49 CFR 194, 30 CFR 254	
9.8.f. State EPCRA Rules of Laws	
9.8.g. Other	



Executive Summary

The Coeburn-Norton Wise Regional Wastewater Treatment plant is a 5.0 MGD waste treatment plant providing service to the Town of Coeburn, City of Norton, Town of Wise and portions of Wise county, Virginia. The treatment plant, abbreviated C-N-W RWWTP, utilizes one ton chlorine cylinders for disinfection. C-N-W RWWTP has aggressive approach to effective preventative maintenance as well as safety and training programs. C-N-W RWWTP has never had any type of chlorine release that resulted in injury or environmental damage. C-N-W RWWTP works with the Town of Coeburn fire department and the state and county Has-mat personnel to be the first to respond in case of a chlorine release. They will be the ones that are called first in the event of a chlorine release. They will be in complete charge of the situation as soon as they get on the scene.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC - 8 2010

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable James Webb
United States Senator
P.O. Box 1300
Norton, Virginia 24273

Dear Senator Webb:

Thank you for your letter of October 26, 2010, requesting that the U.S. Environmental Protection Agency (EPA) provide assistance to your constituent, Mr. Mark S. Hollyfield, in completing the submission of the risk management plan (RMP) for the Coeburn-Norton-Wise Regional Waste Water Treatment Authority (C-N-W).

We contacted Mr. Hollyfield and assisted him with successfully completing the RMP submission for C-N-W, as required by EPA regulations. Mr. Hollyfield has also graciously agreed to assist EPA with troubleshooting the problem that he experienced in attempting to submit his RMP so that this problem will not occur again.

Again, thank you for your letter. If you have further questions, please contact me or have your staff contact Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,



Mathy Stanislaus
Assistant Administrator

JIM WEBB
VIRGINIA

COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
FOREIGN RELATIONS
COMMITTEE ON
VETERANS' AFFAIRS
JOINT ECONOMIC COMMITTEE

09-001-5279

WASHINGTON OFFICE:
WASHINGTON, DC 20510
(202) 224-4024

United States Senate

WASHINGTON, DC 20510-4605

October 9, 2009

The Honorable Inez Tenenbaum
Chairman
Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Chairman Tenenbaum and Administrator Jackson:

I write to urge that the tests and evaluations concerning Chinese-imported drywall that are currently underway by the Consumer Product Safety Commission and the Environmental Protection Agency be completed without further delay. Every day that the results of these tests are delayed means more families pushed into bankruptcy and financial ruin.

I have heard directly from a number of constituents about the extreme emotional, physical, and financial hardship they continue to face as they struggle to maintain payments on houses that have been rendered uninhabitable, while also paying for a place to live and often dealing with health issues stemming from contaminated homes. My office has been working to assist these individuals in exploring what remedies and protections might be available to them. Many of the legal and financial remedies that have been proposed are dependent on the results of the scientific and technical tests currently being conducted by your agencies.

I wish to emphasize my strong belief that a rapid resolution of these assessments is urgently needed.

It is my understanding that the following analyses are currently being conducted:

- Elemental and chemical testing
- Chamber testing
- In-home indoor air sampling
- Electrical and fire safety engineering analyses

These and any other assessments related to Chinese drywall must be completed with all haste, and their results made public without delay. Thank you for your attention to this critically important issue. I look forward to your response.

Sincerely,



Jim Webb
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 27 2009

The Honorable Jim Webb
United States Senate
Washington DC 20510

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Senator Webb:

Thank you for your letter of October 9, 2009, to U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson, regarding your concerns about the release of testing data concerning Chinese-imported drywall.

The Consumer Product Safety Commission (CPSC) has the overall lead within the Executive Branch on matters relating to Chinese drywall and the potential corrosivity and health issues. EPA is contributing its scientific and technical expertise to this endeavor. EPA has been collaborating with CPSC and other partners including the Centers for Disease Control (CDC), Housing and Urban Development (HUD) and representatives of the Departments of Health in Florida, Louisiana, and Virginia to evaluate concerns and conduct various sampling activities. EPA is working with these federal and state partners to review the validated results of EPA's testing at houses in Florida and Louisiana which will inform the development of an indoor air testing protocol. This protocol can then be used by federal and state agencies and the private sector to conduct future indoor air testing. Additionally, EPA has performed the content analysis on domestic and imported drywall samples provided by Florida Department of Health (FDOH), CPSC, and collected by EPA. Data validation, review and interpretation of the results by the federal/state technical team is near completion.

EPA agrees that it is imperative that accurate information on the risk to residents in structures built with imported drywall be released in an expedited timeframe. EPA has worked to share information with stakeholders and other interested parties to facilitate an understanding of the sampling protocols, challenges, and anticipated timelines. For more information on these efforts, please log on to <http://www.cpsc.gov/info/drywall>. We will continue to work with CPSC and our other partner agencies to publically share information.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,

A handwritten signature in black ink, appearing to read "Mathy Stanislaus", is written over the typed name.

Mathy Stanislaus
Assistant Administrator



10-000-1022

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 12 2010

OFFICE OF ENVIRONMENTAL EDUCATION
AND CHILDREN'S HEALTH PROTECTION

The Honorable James Webb
United States Senate
Washington, DC 20510

Dear Senator Webb:

I am pleased to inform you that the Martinsville-Henry County Coalition for Health and Wellness has received the 2009 Building Healthy Communities for Active Aging achievement award. The achievement award is the highest level of award and is bestowed on a community for having both implemented the principles of smart growth and the concepts of active aging. To be considered for the Building Healthy Communities for Active Aging award, communities must submit an application that is reviewed by a panel of experts. The Coalition's Activate initiative has led the community to adopt active aging programming and implement smart growth policies. Martinsville-Henry County Coalition was the winner of only two communities recognized in the country in 2009.

The Activate initiative has worked to fill the gaps identified during an assessment on physical activity in Martinsville. They publish an annual physical activity guide and tool kit with information on recreation programs and physical activity programming. They also held the first annual healthy community challenge this past year. In 2009, the County's comprehensive plan included a framework that supports a smart growth vision.

Please join me in extending congratulations to the City of Martinsville for this impressive achievement. I am enclosing a copy of the 2009 awards booklet highlighting the City of Martinsville and the other award winners. This year's awards booklet is posted on the EPA Aging Initiative website at www.epa.gov/aging. If you have any questions or would like additional copies, please contact me or your staff may call Clara Jones in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701.

Sincerely,

Peter Grevatt
Director

Enclosure

JIM WEBB
VIRGINIA

COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
FOREIGN RELATIONS
COMMITTEE ON
VETERANS' AFFAIRS
JOINT ECONOMIC COMMITTEE

United States Senate
WASHINGTON, DC 20510-4605

December 22, 2011

11-002-1539

WASHINGTON OFFICE:
WASHINGTON, DC 20510
(202) 224-4024

Mr. David McIntosh
Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460

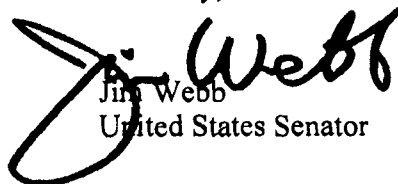
Dear Mr. McIntosh:

I am writing to express my support for two applications submitted by the City of Richmond, Virginia to the U.S. Environmental Protection Agency's (EPA) 2012 EPA Brownfields Assessment Grant for Petroleum Sites & Brownfields Assessment Grant for Hazardous Substances programs.

Representatives for the City of Richmond have indicated to my office that resources provided through these programs would be used to help conduct community-wide assessments of both hazardous substance and petroleum brownfield sites. It is my understanding that EPA funding would help the City of Richmond protect quality of life, the environment and could create additional economic development.

It appears that the City of Richmond is well-positioned to meet the goals of the 2012 EPA Brownfields Assessment Grant for Petroleum Sites & Brownfields Assessment Grant for Hazardous Substances programs and, to that end, I ask that you give these applications every fair and favorable consideration in keeping with established federal laws and guidelines governing your programs. I also ask that you keep me informed of the status of these proposals by contacting Mr. Martin Mash in my Roanoke office at 3140 Chaparral Drive, Building C, Suite 101, Roanoke, Virginia 24018. Mr. Mash may also be reached via telephone at (540) 772-4236.

Sincerely,


Jim Webb
United States Senator

JW:mm



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 12 2012

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Jim Webb
United States Senate
Washington, DC 20510

Dear Senator Webb:

Thank you for your letter of December 22, 2011, supporting the Brownfields Grant Proposals from the City of Richmond, Virginia. I appreciate your interest in the Brownfields Program, and your support of Richmond's proposals.

As you know, the Small Business Liability Relief and Brownfields Revitalization Act assists states and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive, with the EPA evaluating more than 600 grant proposals. From these proposals, the EPA announced the selection of approximately 200 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants (September 2011)*, posted on our brownfields website (www.epa.gov/brownfields). Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. Be assured that the grant proposals submitted by the City of Richmond will be given every consideration.

Again, thank you for your letter. If you have any questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at 202-564-9586.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, flowing style.

Mathy Stanislaus
Assistant Administrator

United States Senate

WASHINGTON, DC 20510

12-001-1704

June 28, 2012

The Honorable Barack Obama
President
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Obama

We are writing to urge that you issue an Executive Order exercising your authority under Clean Air Act section 112(i)(4) to grant an additional two years for all utilities to comply with the Mercury and Air Toxics Standards (MATS) regulation. If states also use their authority to grant one additional year, utilities will have the full six years the Clean Air Act allows to install new pollution control equipment on coal and oil-fired power plants.

Many utilities have said that using the Clean Air Act's full six-year compliance timeline will make implementation of the rule more reasonable, practical and cost effective. It will allow more time to order and install equipment, to give the required public notice and to apply for necessary permits. It will also minimize the possibility of disruptions in reliable electric service. The certainty of a full six years for implementation will spread out costs and minimize increases on electric rates. It will improve the ability of utilities to develop more realistic implementation schedules to ensure that an adequate supply of pollution control technology is available from manufacturers.

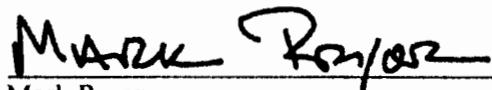
In short, exercising your presidential authority under the Clean Air Act to provide an additional two years for implementation of this rule will help citizens of our States achieve the health benefits of clean air at the lowest possible cost and with the least possibility of disruption of electric service.

Thank you for your attention to this matter.

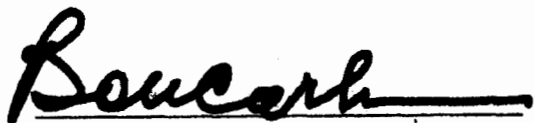
Sincerely,



Lamar Alexander
United States Senator



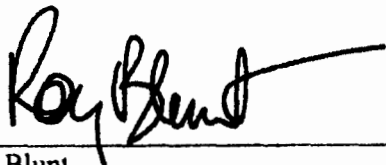
Mark Pryor
United States Senator



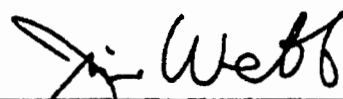
Bob Corker
United States Senator



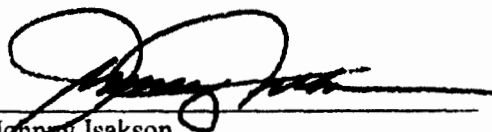
Mark Warner
United States Senator



Roy Blunt
United States Senator



Jim Webb
United States Senator



Johnny Isakson
United States Senator



Claire McCaskill
United States Senator



Richard Burr
United States Senator



Mary L. Landrieu
United States Senator



John Hoeven
United States Senator